

V. SECTION 4(f) EVALUATION

In accordance with Section 4(f) of the Department of Transportation Act of 1966, as amended (49 U.S.C. 303), Section 138 of the Federal Aid Highway Act of 1968, and FHWA Regulation 23 CFR 771.135, an evaluation of the project area was conducted for properties determined to be qualified for Section 4(f) evaluation. This requires that no publicly owned land from a public park, recreation area, wildlife refuge or land from a significant historic site be used for federal-aid highways unless there is no feasible and prudent alternative. Specific alternatives and actions to minimize harm must be considered.

A. INTRODUCTION

1. Section 4(f) Properties

Within the project area, shown on Exhibit V-1, there are no public parks, recreation areas, or wildlife refuges. There are, however, numerous historic resources within the project area. The historic architectural resources include two properties and one district listed on the National Register of Historic Places, two eligible historic districts, and six eligible historic properties. One archaeological site, considered eligibility for listing on the National Register, was also identified in the project area.

The Ripon Lodge and the William Grubb Farm are listed on the National Register of Historic Places. Balclutha, partially located in Clarke County, Virginia, is listed on the National Register and the Virginia Landmarks Register as a contributing resource in the National Register listed Long Marsh Run Rural Historic District of Clarke County, Virginia. Long Marsh Run Rural Historic District is located at the south end of the project on both sides of existing US 340.

The two historic districts eligible for the National Register include the Kabletown Rural Historic District and the Village of Rippon Historic District. The Kabletown Rural Historic District boundaries, shown in Exhibit V-2, encompass a large area surrounding and including over half of the project study area. All of the historic resources in the project area, excluding the Long Marsh Run Rural Historic

District and Balclutha, are located within and are contributing elements to the Kabletown Rural Historic District. Five of these historic resources are also individually eligible for listing on the National Register based on each of their unique historic contributions to West Virginia. These five properties eligible for listing on the National Register include the Olive Boy Farm, Glenwood, Wayside Farm, Byrdland, and Straithmore.

The archaeological site considered eligible is the Wheatlands Farm. The decision for preservation in place or recovery of this site will be reviewed by the State Historic Preservation Office following additional archaeological testing for the Preferred Alternative. Therefore, this site is currently being considered a Section 4(f) property.

2. Project Purpose and Need

The proposed project will improve the existing two-lane section of US 340 from the existing four-lane section in Clarke County, Virginia to the existing four-lane section of the Charles Town Bypass in Jefferson County, West Virginia. Improvements to US 340 are needed to address capacity and safety deficiencies along the existing facility. Currently, sections of US 340 operate at capacity, with an unacceptable Level of Service E, during daily peak travel periods. By the design year of 2020, the entire two-lane facility would operate over capacity during peak travel periods with a Level of Service F. Existing roadway deficiencies also create undesirable driving conditions along these sections of US 340. These deficiencies include variable shoulder widths, narrow travel lanes, limited passing zones, steep side slopes, and unprotected fixed objects such as culvert headwalls and trees.

3. Project Alternates and Summary of Impacts to Historic Properties

Six build alternates, Alternates 1, 3, 4, 5, 6, and 8, were studied in detail for the project. Based on the detail study, Alternates 1, 3, 4, and 5 were eliminated and Alternate 6 and Alternate 8 were identified as the Reasonable Feasible Alternatives for the project. The No-Build Alternative is not consistent with the purpose and need of the project but is retained for comparison purposes.

The Preferred Alternative will be selected following the receipt of comments on this document and from the public hearing.

Exhibits V-3 and V-4 show the location of the Section 4(f) properties in relation to the remaining Build Alternates 6 and 8. No right of way acquisition will be required from the Long Marsh Run Rural Historic District, Village of Rippon Historic District, William Grubb Farm, Glenwood, Wayside, or Byrdland. In addition, the visual impacts to these properties do not substantially impair the historic integrity of the historic sites. Therefore, these properties are not included in the Section 4(f) Evaluation.

Table V-1 shows a comparison summary of the Section 4(f) Impacts for the alternates. The No-Build Alternate will not require right of way from any of the historic resources in the project area. There are five historic resources impacted by one or both of Alternates 6 and 8. These five resources include the Kabletown Rural Historic District, Olive Boy Farm, Ripon Lodge, Straithmore Farm, and Wheatlands Farm. Alternate 6 will impact all five of these historic resources and Alternate 8 will impact two, the Kabletown Rural Historic District and the Olive Boy Farm. Specific impacts to each Section 4(f) property are discussed in more detail in Sections B through F of this evaluation.

**TABLE V-1
COMPARATIVE SUMMARY OF SECTION 4(f) IMPACTS**

Property	No-Build	Right of Way Acquisition for Remaining Build Alternates acres (hectares)	
		Alternate 6	Alternate 8
Kabletown Rural Historic District*	0	50.4 (20.4)	6.1 (2.5)
Olive Boy	0	5.4 (2.2)	3.7 (1.5)
Ripon Lodge	0	15.9 (6.4)	0
Straithmore	0	6.1 (2.5)	0
Wheatlands Farm	0	6.6 (2.7)	0
Total *	0	50.4 (20.4)	6.1 (2.5)

* All 4(f) properties, as well as the Village of Rippon Historic District, are contained within the Kabletown Rural Historic District.

4. Avoidance Alternatives

Avoidance Alternatives are discussed in this evaluation to determine if there are any feasible and prudent alternatives which would avoid impacting the Section 4(f) resources. The No-Build Alternative does not impact the Kabletown Rural Historic District or any of the individual Section 4(f) properties. Although the No-Build Alternative avoids the Section 4(f) properties and districts, it is not considered a prudent alternative since it would not meet the purpose and need for the project.

Both Alternates 6 and 8 impact the western edge of the Kabletown Historic District and the Olive Boy Farm. As shown on Exhibit V-3, Alternate 8 impacts the Rural Historic District at the south end of the project at the state line between Virginia and West Virginia. The impacts to the Olive Boy Farm are located a little further north along the edge of the property along existing US 340. Alternate 8 then extends west of the Norfolk and Western Railroad, beyond the Kabletown Rural Historic District boundaries, to avoid the remaining historic resources in the project area.

Alternate 8 was initially developed to avoid all the historic resources in the study area. But in order to avoid impacting the Long Marsh Run Rural Historic District and the Clarke County Agricultural District in Virginia, Alternate 8 was revised. Alternate 8 starts at the existing four-lane section of US 340 in Virginia and extends north following the existing alignment. The improvements to US 340 in Virginia will be constructed within the existing right of way to avoid impacting both the Long Marsh Run Rural Historic District and the Clarke County Agricultural District. With these design constraints within Virginia and at the state line, it was not feasible to avoid the edge of the Kabletown Rural Historic District in West Virginia.

Several design configurations including incorporating a reduced typical section, barriers within the median, and retaining walls were developed in an effort to avoid the Kabletown Historic District. Even with these design variations, right of way was still required on the east side of existing US 340 within the Kabletown

Rural Historic District. Therefore, there are no feasible and prudent alternatives under consideration in this Section 4(f) Evaluation for avoiding the Kabletown Rural Historic District. Alternate 8 would still provide an avoidance alternative for the Ripon Lodge, Straithmore, and Wheatlands Farm.

In an effort to minimize the impact and amount of right of way needed from the Kabletown Historic District, the alignments of Alternates 6 and 8 are located where right of way is required from the Olive Boy Farm. Prior to the completion of the Final Environmental Impact Statement, the location of the preferred alternative, either Alternate 6 or 8, will be reviewed to minimize or avoid impacts to the Olive Boy Farm. Although these revisions to the preferred alternative may require some additional property from the Kabletown Rural Historic District near the state line, the preferred alternative could likely avoid impacting the Olive Boy Farm.

5. Minimization of Harm

For the unavoidable impacts to the Section 4(f) resources, efforts will be made to modify the designs and locations where feasible to minimize harm to the resources. The determination of where the alternates could be adjusted or modified would be made following the selection of the Preferred Alternative and during design.

B. THE KABLETOWN RURAL HISTORIC DISTRICT

1. Description of the Kabletown Historic District

a. Size and Location

The Kabletown Rural Historic District is eligible for listing on the National Register of Historic Places. The district boundaries, as shown on Exhibit V-2, encompass approximately 18 square miles (4,500 hectares). The district boundaries are generally defined by the West Virginia State line to the south, the Kabletown magisterial district to the north, the Shenandoah River to the east, and existing US 340 to the west until the Village of Rippon where the boundaries roughly follow the railroad tracks.

b. Relationship to Alternatives

Exhibit V-3 shows the location of the Kabletown Rural Historic District in relation to the alternates. Both Alternates 6 and 8 impact the Rural Historic District. Alternate 6 will extend through two areas of the western side of the Kabletown Rural Historic District and Alternate 8 will impact a small area along the historic boundary at the state line between Virginia and West Virginia.

Alternate 6 is generally located on the west side of US 340. This alternate requires property along the district boundary but from the state line to just south of Jefferson County 340/1. Alternate 6 extends north re-entering the district north of Jefferson County 19 in the vicinity of the Ripon Lodge for about one-mile (1.6 kilometers). Alternate 6 then continues north and re-enters the district south of Wheatland and extends through the district to existing US 340.

c. Ownership and Type of Section 4(f) Property

The Kabletown Rural Historic District has multiple owners. The district encompasses several very large private farms and parts of four communities, Kabletown, Meyerstown, Rippon, and Wheatland. The very large farms are located to the east of US 340 extending to the Shenandoah River. The two communities of Rippon and Wheatland are within the project area and include various commercial businesses, churches, and private residences. These communities are located along existing US 340.

The Kabletown Rural Historic District is unique to West Virginia because it represents a Virginia landscape. The district includes the agricultural landscape and architectural resources of an area distinctively rural. It contains numerous large antebellum and postbellum estates, several small 19th and early 20th century farms, and rural communities. The main type of architectural resource in the district is the farm, estate dwelling, and its related outbuildings. In addition, several mills, mill sites, schools, and churches also contribute to the diversity of this district.

d. Function

There are no public activities in areas of the Kabletown Rural Historic District crossed by any of the build alternates.

e. Facilities

There are no public facilities located in the areas of the Kabletown Rural Historic District crossed by any of the build alternates.

f. Access

The primary roads accessing the Kabletown Rural Historic District include US 340, and the Jefferson County roads 340/1, 340/2, 19, 21, 38, and 25. This existing roadway network provides the major vehicular, pedestrian, and bicycle access to the district.

g. Relationship to Similarly Used Lands

The Long Marsh Run Rural Historic District in Clarke County, Virginia, is a similar historic district. It is located at the southern end of the project area. This historic district encompasses roughly 16 square miles (4,000 hectares) and is noted for its remarkably unaltered and picturesque rural land in north central Clarke County. It contains 366 contributing architectural resources that cover a period of over 175 years. These resources are primarily farm and estate residencies and their associated outbuildings. Also included are three small African-American communities, several schools, churches, and mills.

h. Applicable Clauses Affecting Ownership

There are no known special covenants, restrictions, or deed conditions that would preclude the use of property within the Kabletown Rural Historic District for highway purposes.

i. Unusual Characteristics

There are no unusual characteristics associated with this historic district.

2. Impacts On The Section 4(f) Kabletown Rural Historic District

Alternates 6 and 8 will directly impact the Kabletown Rural Historic District with land acquisition. Both alternates will impact the most western edge of the district. Alternate 6 will require approximately 50.4 acres (20.4 hectares) for permanent right of way. Alternate 8 will require approximately 6.1 acres (2.5 hectares) for permanent right of way. As shown on Exhibit V-3, the small area impacted by Alternate 8 is located at the state line between Virginia and West Virginia.

Air quality in the region is not adversely affected from the project. In fact, air quality improves when comparing the build alternates with the No-Build Alternate. Noise impacts will occur along the build alternates. Considering the alignments developed in this early phase of the project, noise abatement measures do not appear to be feasible or reasonable for the Kabletown Rural Historic District.

The major construction elements of this project are expected to be earth removal, hauling, grading, and paving. General noise impacts, such as temporary speech interference for passerby and those individuals living or working near the project, can be expected, particularly from paving operations and grading equipment. However, considering the relatively short-term nature of construction noise and the limitation of construction to daytime hours, these impacts are not expected to be substantial. So that the impact from construction noise is minimal, the contractor will be required to follow specifications concerning construction noise as contained in WVDOT's Standard Specifications.

The district currently includes US 340. Alternate 6 is located on the western edge of the district. Alternate 8 is located west of the district except at the state line, but would still introduce a modern roadway facility into the surrounding landscape and is considered to have a low visual impact to the rural district. Alternate 6 has been evaluated as having a low visual impact to the district. This determination was made based on the close proximity of the alternate to existing US 340 in relation to the entire district. The visual impacts to this historic district would not substantially impair the historic integrity of the district.

3. Avoidance Alternates

The No-Build Alternative would not require land acquisition from the Kabletown Rural Historic District. However, Alternates 6 and 8 will impact this district. Although the No-Build Alternative would not impact the district, it is not considered a prudent alternative since it would not meet the purpose and need for the project.

Alternate 8 was initially developed as an avoidance alternative for the Kabletown Rural Historic District. However, the project limits for this alternate were revised to tie into the existing four-lane section of US 340 in Clarke County, Virginia. The Long Marsh Run Rural Historic District and Clarke County Agricultural District are located on both sides of existing US 340 in Virginia. In order to avoid impacting the Rural Historic District and Agricultural District in Virginia, the improvements proposed for Alternate 8 will remain within the existing right of way. The design constraints created by following the same road elevation and alignment as the existing US 340 in this area prevents Alternate 8 from extending west and avoiding the Kabletown Rural Historic District at the Virginia/West Virginia State Line.

The design speed for the project is 60 miles per hour (102 kilometers per hour). With this design speed and the existing right of way location, there was a limit to the sharpness in the horizontal curvature of the roadway that could be used. Dropping the design speed is not an option since it would not be consistent with the other sections of the four-lane facility. Several median options and barrier walls were evaluated to minimize the amount of right of way required from the Kabletown Rural Historic. However, even with the narrowed median and barrier, the typical section would not fit within the existing right of way. Therefore, there is no feasible and prudent avoidance alternative for this rural historic district.

4. Measures To Minimize Harm

Minimizing harm to the historic district may be accomplished by using additional design measures. Among the design measures to be considered could include alignment shifts during the design of the proposed road. Alternate 6, as

shown on Exhibit V-3, is located the furthest to the west in comparison to Alternates 1 and 3. Alternate 6 could potentially be shifted further west to follow the railroad and minimize the impacts to the rural historic district.

The location of Alternate 8 incorporates all feasible design measures to minimize harm to the rural historic district. Several iterations were reviewed with the use of barrier walls and reducing the median width to avoid or minimize the impacts. Additional minimization measures for the rural historic district could include providing landscaped screening to reduce visual impacts.

5. Coordination

Coordination with the West Virginia Division of Culture and History, State Historic Preservation Officer (SHPO) and other agencies has taken place throughout the course of the study. Coordination and meetings with SHPO and other agencies included discussions concerning the determination of Section 4(f) properties, avoidance alternatives, and measures to minimize harm.

C. OLIVE BOY SECTION 4(f) PROPERTY

1. Description of the Olive Boy Farm

a. Size and Location

The Olive Boy Farm is eligible for listing on the National Register of Historic Properties and is located on the east side of US 340. The historic property boundaries encompass approximately 181.6 acres (74 hectares) and represent the previous ownership boundaries of the Olive Boy Farm. The current farm contains about 16.9 acres (6.8 hectares) with the remainder of the historic property being part of another larger farm.

b. Relationship to Alternatives

Alternates 6 and 8 extend into the historic property boundaries. These alternates border the western boundary of the property along US 340 and are located approximately 1,500 feet (450 meters) from the main house. Exhibits V-4 and V-5 show the location of the Olive Boy property in relation to these build alternate.

c. Ownership and Type of Section 4(f) Property

The Olive Boy property is privately owned. The property was constructed by Dr. Blackburn sometime in the 1840's. The main house is a fine example of the Italianate style as expressed by local craftsmen. The setting is pristine and includes several outbuildings. These outbuildings include: a stone springhouse, the Blackburn cemetery, a one-story kitchen/slave quarters, a small frame barn, a 1990 tenant house, and a 1970 turn-out shed. According to the Phase I Architectural Reconnaissance Survey completed for this project, the property possesses sufficient architectural and historical importance to meet the National Register Criteria under Criteria C.

d. Function

There are no public activities on the Olive Boy property.

e. Facilities

There are no public facilities on the Olive Boy property. The private facilities include the main house and other associated buildings.

f. Access

Access to the Olive Boy property is by private drive. The driveway to the tenant house is from existing US 340. The driveway to the main house on Olive Boy Farm is accessed from Jefferson County 38.

g. Relationship to Similarly Used Lands

In Jefferson County, West Virginia, there are other privately owned farm properties that have been either listed or determined eligible for listing in the National Register of Historic Places. The William Grubb Farm, located on the north side of Jefferson County 340/2, west of US 340, is listed on the National Register. Two other historic properties in the project area include the Wayside Farm and the Glenwood Farm. These two farms are located east of US 340 and north of the Olive Boy Farm. As with the Olive Boy Farm, these farms are eligible for listing on the National Register. These similar properties are discussed elsewhere in this document.

h. Applicable Clauses Affecting Ownership

There are no known special covenants, restrictions, or deed conditions that would preclude the use of the Olive Boy Farm for highway purposes.

i. Unusual Characteristics

There are no unusual characteristics of the Section 4(f) property.

2. Impacts On The Section 4(f) Olive Boy Property

The Olive Boy property is impacted by land acquisition for conceptual right of way with both Alternates 6 and 8. As shown on Exhibit V-5, Alternates 6 and 8 follow approximately the same alignment in this location along the edge of the western boundary of Olive Boy. Alternate 6 will require 5.4 acres (2.2 hectares). Alternate 8 will require less property, 3.7 acres (1.5 hectares), since the alignment for Alternate 8 turns sharper, west away from existing US 340 at this location. No standing structures will be directly impacted with either of these alternates.

Air quality in the region is not adversely affected from the project. In fact, air quality improves when comparing the six build alternates with the No-Build Alternate. Based on proximity, noise impacts may occur along each of the build alternates. Considering the alignment developed in this phase of the project, noise abatement measures do not appear to be feasible or reasonable for the Olive Boy Farm.

The major construction elements of this project are expected to be earth removal, hauling, grading, and paving. General noise impacts, such as temporary speech interference for passerby and those individuals living or working near the project, can be expected, particularly from paving operations and grading equipment. However, considering the relatively short-term nature of construction noise and the limitation of construction to daytime hours, these impacts are not expected to be substantial. So that the impact from construction noise is minimal, the contractor will be required to follow specifications concerning construction noise as contained in WVDOT's Standard Specifications.

Both Alternates 6 and 8 are visible from within the boundaries of this historic property. These alternates are evaluated as having a low impact to the visual environment of this property. These alternates are low impact from these alternates is due to the alternate's location in relation to the existing roadway and the historic property.

3. Avoidance Alternates

The No-Build Alternative avoids impacting the Olive Boy Farm. Although the No-Build Alternative would not impact the Olive Boy property, it is not a prudent alternative since it would not meet the purpose and need for the project.

Alternates 6 and 8, as shown on Exhibit V-5, impact the edge of the Olive Boy Farm. A preliminary location for Alternate 8 initially avoided the Olive Boy Farm. However, this location required changes in the location to incorporate the two-lane section of existing US 340 into the project. The two-lane section of US 340 in Virginia extends through the Long Marsh Run Rural Historic District and the Clarke County Agricultural District. In order to avoid impacting these two properties, the proposed improvements in Virginia will be constructed within the existing right of way. In an effort to minimize the impact and amount of right of way needed from the Kabletown Historic District, the alignments of Alternates 6 and 8 are located where right of way is required from the Olive Boy Farm. Prior to the completion of the Final Environmental Impact Statement, the location of the preferred alternative, either Alternate 6 or 8, will be reviewed to minimize or avoid impacts to the Olive Boy Farm can be avoided. Although these revisions to the preferred alternative may require some additional property from the Kabletown Rural Historic District, the preferred alternative could likely avoid impacting the Olive Boy Farm.

4. Measures To Minimize Harm

Minimizing harm to the Section 4(f) property may be accomplished by additional design measures. Among the measures to be considered will be alignment shifts during the final design of the proposed roadway. Alternates 6 and

8 will be reviewed to determine if shifting away from the property to minimize harm or perhaps to even avoid the Olive Boy Farm is feasible based on the design limitations in Virginia. Additional measures to minimize harm include providing screening to reduce visual impacts.

5. Coordination

Coordination with the West Virginia State Historic Preservation Office (SHPO) and other agencies has taken place throughout the course of the study. Coordination and meetings with SHPO and other agencies included discussions concerning the determination of Section 4(f) properties, avoidance alternatives, and measures to minimize harm.

D. THE RIPON LODGE SECTION 4(f) PROPERTY

1. Description of the Ripon Lodge Property

a. Size and Location

The National Register listed Ripon Lodge property consists of approximately 195 acres (79 hectares). It is located along existing US 340 just north of the community of Rippon. The Ripon Lodge is one of the most prominent properties within the area. The lodge dates back to 1833. The lodge was placed on the National Register of Historic Places in 1984. In addition, the property includes many nineteenth and early-twentieth century outbuildings. Cultural resource investigations indicate that the National Register boundaries for this property were expanded in 1998 to include these significant outbuildings and parcel limits. This expansion is located between the main house and the Norfolk & Western Railroad to the west, WV 19 to the south, the existing US 340 to the east, and the parcel limit to the north. The historic property is used as a private residence.

The Ripon Lodge is situated at an elevation of about 540 feet (165 meters) above mean sea level. The surrounding landscape consists of gentle hills, with variations in elevation of about 5 feet (1.5 meters), and planted trees and shrubs. Surrounding land is used for grazing livestock and other agricultural purposes.

b. Relationship to Alternatives

The Ripon Lodge faces east, towards the existing US 340, and is approximately 1,700 feet (520 meters) west of the roadway. Alternate 8 is located west of the property approximately 245 feet (75 meters) from the historic property boundary. Alternate 6 transects the historic property approximately 900 feet (275 meters) west of the main house in close proximity to the active Norfolk and Western Railroad. Exhibits V-4 and V-6 show the location of the Ripon Lodge property in relation to the alternates.

c. Ownership and Type of Section 4(f) Property

The Ripon Lodge property is privately owned. The stone house was supposedly constructed by Henry S. Turner in 1833 and given to his son, William F. Turner. The property was originally part of the Wheatlands estate, now located to the north. The Turners were a prominent nineteenth-century Jefferson County family. William T. Turner was a justice of the peace and a member of the Virginia House of Delegates. The property passed out of the Turner-family ownership in 1916. Architecturally, Ripon Lodge is one of the most prominent properties in the area. The property was originally listed on the National Register of Historic Places in 1984. The property limits were expanded in a 1998 National Register boundary increase.

The house is constructed of native limestone and possesses great integrity of design and workmanship, particularly in its interior woodwork. It appears that the right two bays of this 2-story, 3-bay stone dwelling were constructed first, perhaps earlier than 1833. The right bay appears to be a late addition, making the house a symmetrical, single-pile, central-passage-plan. An enclosed frame breezeway attaches the north end of the house to a 1 1/2-story stone slave quarters/summer kitchen that dates to the original part of the house. The property also contains a fine collection of nineteenth and early twentieth-century outbuildings. This includes a stone pyramidal roofed smokehouse (early nineteenth century); a frame carriage house with later additions (mid-nineteenth century); a tenant house of the American Foursquare form (circa 1910's); a frame bank barn on stone foundation with an 1852 inscription; a frame corncrib (late

nineteenth century); a framed, 1-room, Gothic Revival-style schoolhouse (mid-nineteenth century); a privy; a pigsty; a vacant tenant house; and five modern outbuildings.

d. Function

There are no public activities on the Ripon Lodge property.

e. Facilities

There are no public facilities on the Ripon Lodge property. The private facilities include the farmhouse and other associated buildings.

f. Access

Access to the Ripon Lodge property is by private drive. The main driveway to the house is from US 340.

g. Relationship to Similarly Used Lands

In Clarke County, Virginia, and Jefferson County, West Virginia, there are other privately owned farm properties that have been either listed or determined eligible for listing in the National Register of Historic Places. One of these is the William Grubb Farm located on the north side of Jefferson County 340/2, west of US 340 in West Virginia. This similar property is discussed elsewhere in this document.

h. Applicable Clauses Affecting Ownership

There are no known special covenants, restrictions, or deed conditions that would preclude the use of the Ripon Lodge property for highway purposes.

i. Unusual Characteristics

The Ripon Lodge property is bounded by US 340 to the east, WV 19 to the south, and the Norfolk and Western Railroad to the west. Therefore, the property is bounded on three sides by transportation facilities.

2. Impacts On The Section 4(f) Ripon Lodge Property

The Ripon Lodge property is directly impacted by Alternate 6 by land acquisition. Alternate 6 will acquire approximately 15.9 acres (6.4 hectares) of land from the expanded limits of the historic property, at the back of the property near the railroad tracks. Alternate 6 will not directly impact any standing structures.

Air quality in the region is not adversely affected from the project. In fact, air quality improves when comparing the six build alternates with the No-Build Alternate. Due to the project, noise impacts occur along the build alternates. Considering the alignments developed in this phase of the project, noise abatement measures do not appear to be feasible or reasonable for the Ripon Lodge property.

The major construction elements of this project are expected to be earth removal, hauling, grading, and paving. General noise impacts, such as temporary speech interference for passerby and those individuals living or working near the project, can be expected, particularly from paving operations and grading equipment. However, considering the relatively short-term nature of construction noise and the limitation of construction to daytime hours, these impacts are not expected to be substantial. So that the impact from construction noise is minimal, the contractor will be required to follow specifications concerning construction noise as contained in WVDOT's Standard Specifications and in VDOT's Road and Bridge Specifications.

Alternate 6 transects this historic property and will have adverse implications to the visual setting of the property as a whole. Alternate 6 has been evaluated as having a high impact to the visual characteristics associated with the property. This is due to the historic designation of this property, the proximity of these alternates to the Ripon Lodge, and the disturbance of the existing landscape. Alternate 8 will not be visible from the house but will be visible from the barns located in the back of the property. Alternate 8 is considered to have a moderate visual impact to Ripon Lodge. The visual impacts to the property do not substantially impair the historic integrity of the historic site.

3. Avoidance Alternates

The No-Build Alternative and Alternate 8 avoid a land acquisition impact to the Section 4(f) property of the Ripon Lodge. Exhibit V-4 shows the relationship of Alternate 8 to the historic property. Although the No-Build Alternative would not impact the Ripon Lodge property, it is not considered a prudent alternative for the project. The No-Build Alternative would not meet the purpose and need for the project. Therefore, Alternate 8 is considered the avoidance alternative for the Ripon Lodge Section 4(f) property.

4. Measures To Minimize Harm

Minimizing harm to this Section 4(f) property may be accomplished by additional design measures. Among the measures to be considered will be altering the roadway typical section to reduce takings of the historic sites and providing landscaped screening to reduce visual impacts. In addition, Alternate 6 could be shifted further to the west along the railroad tracks to minimize the amount of property required for right of way.

5. Coordination

Coordination with the West Virginia State Historic Preservation Office (SHPO) and other agencies has taken place throughout the course of the study. Coordination and meetings with SHPO and other agencies included discussions concerning the determination of Section 4(f) properties, avoidance alternatives, and measures to minimize harm.

E. THE STRAITHMORE SECTION 4(f) PROPERTY

1. Description of the Straithmore Property

a. Size and Location

The Straithmore property is eligible for listing on the National Register of Historic Properties. The property consists of approximately 160 acres (65 hectares). The Straithmore property is located on the north end of the project along the existing US 340. It is a Federal-style house that was constructed in 1827. Also located on the property are the ruins of a stone mill and other stone

and wood remnants from various buildings. The house faces west and is situated on top of a hill that grades down to Bullskin Run Creek.

The main residence is at an elevation of 510 feet (155 meters) above mean sea level. Existing US 340 is about 1,150 feet (350 meters) west of the main house. The topography between the house and the roadway varies in elevation, making it difficult, if not impossible, to see the existing roadway.

b. Relationship to Alternatives

Alternate 6 is located west of the historic property at approximately the same location as existing US 340. Existing US 340 is located approximately 1,300 feet (397 meters) west of the main house. Alternate 8 is located further west of the railroad. Exhibits V-4 and V-7 show the location of the Straithmore property in relation to the alternates.

c. Ownership and Type of Section 4(f) Property

The Straithmore property is privately owned. This land originally belonged to Henry L. Turner of Wheatland. He sold it to John Jacob Myers in 1827. It is presumed that Myers constructed the house. In 1848 the Straith family inherited it. Later, it passed into the Brisco Family. The mill predates the house and was not originally part of the property. The setting at Straithmore is beautiful. An old road trace is evident in the front yard. The house faces west on a hill above Bullskin Run.

Straithmore possesses great integrity of design and workmanship and is a fine example of a brick Federal-style dwelling with an attached brick service wing (Jefferson County Historical Society). It is composed of a 5-bay, 2-story brick section with a recessed 1 1/2-story, 2-bay service wing. The mill ruins (Turner's Mill and, later, Baney's Mill) further enhance the property's significance. Other outbuildings include two frame barns (circa 1900), a brick 2-story smokehouse with gable roof (circa 1827), and a modern, 3-bay, 1 1/2-story log building under construction using logs from a house on the neighboring property. According to the Phase I Architectural Reconnaissance Survey completed for this

project, the property possesses sufficient architectural and historical importance to meet the National Register Criteria under Criterion A and C.

d. Function

There are no public activities on the Straithmore property.

e. Facilities

There are no public facilities on the Straithmore property. The private facilities include the farmhouse and other associated buildings.

f. Access

Access to the Straithmore property is by private drive. The main driveway to the house is accessed from Jefferson County 340/2, east of US 340.

g. Relationship to Similarly Used Lands

In Jefferson County, West Virginia, there are other privately owned farm properties that have been either listed or determined eligible for listing in the National Register of Historic Places. One of these is the William Grubb Farm located on the north side of Jefferson County 340/2, west of US 340 in West Virginia. This similar property is discussed elsewhere in this document.

h. Applicable Clauses Affecting Ownership

There are no known special covenants, restrictions, or deed conditions that would preclude the use of the Straithmore property for highway purposes.

i. Unusual Characteristics

There are no unusual characteristics of the Section 4(f) property.

2. Impacts On The Section 4(f) Straithmore Property

The Straithmore property is impacted by land acquisition under Alternate 6 but not Alternate 8. Alternate 6 will require approximately 6.1 acres (2.5 hectares) for right of way. The property to be acquired is located along existing US 340, the western edge of the historic property.

Air quality in the region is not adversely affected from the project. In fact, air quality improves when comparing the six build alternates with the No-Build Alternate. Due to the project, noise impacts may occur along the build alternates. Considering the alignments developed in this phase of the project, noise abatement measures do not appear to be feasible or reasonable for the Straithmore property.

The major construction elements of this project are expected to be earth removal, hauling, grading, and paving. General noise impacts, such as temporary speech interference for passerby and those individuals living or working near the project, can be expected, particularly from paving operations and grading equipment. However, considering the relatively short-term nature of construction noise and the limitation of construction to daytime hours, these impacts are not expected to be substantial. So that the impact from construction noise is minimal, the contractor will be required to follow specifications concerning construction noise as contained in WVDOT's Standard Specifications.

Both Alternates 6 and 8 lie west of this property. The natural landscape and vegetation obstruct any view of the existing roadway from the main house. Alternate 8 is considered to have no visual impact to the property. However, Alternate 6 has been evaluated as having a low visual impact to the property. Alternate 6 will introduce a new four-lane divided roadway along the historic property. Visual impacts to the Straithmore property will not substantially impair the historic integrity of this historic property.

3. Avoidance Alternates

The No-Build Alternative and Alternate 8 would not impact the Section 4(f) property of Straithmore. Exhibits V-4 and V-7 show the relationship of the alternates to the property. Although the No-Build Alternative would not impact the Straithmore property, it is not considered a prudent alternative. The No-Build Alternate would not meet the purpose and need for the project. Therefore, Alternate 8 is considered the avoidance alternative for this property.

4. Measures To Minimize Harm

Minimizing harm to the Section 4(f) property may be accomplished by additional design measures. The design of the selected alternate will be coordinated with the West Virginia State Historic Preservation Office (SHPO).

5. Coordination

Coordination with the West Virginia State Historic Preservation Office (SHPO) and other agencies has taken place throughout the course of the study. Coordination and meetings with SHPO and other agencies included discussions concerning the determination of Section 4(f) properties, avoidance alternatives, and measures to minimize harm.

F. THE WHEATLANDS SECTION 4(f) PROPERTY

1. Description of the Wheatlands Farm

a. Size and Location

The Wheatlands Farm is considered eligible for listing on the National Register of Historic Properties as an archaeological site. The estimated site boundaries encompass approximately 16.8 acres (7 hectares). The Wheatlands Farm site is located on the north end of the project area south of Jefferson County 340/2 and west of existing US 340.

b. Relationship to Alternatives

Alternate 6 crosses into the Wheatlands Farm 1,300 feet (390 meters) west of existing US 340. Alternate 8 is located over 1,600 feet (489 meters) west of the site. Exhibit V-4 shows the general location of the Wheatlands Farm in relation to the build alternates.

c. Ownership and Type of Section 4(f) Property

The Wheatlands Farm is privately owned and is located on a low hill overlooking Bullsken Run. The archaeological site encompasses the original location of the Wheatlands Farm main house and surrounding features. The original house on this property was constructed in the 1830's by Henry L. Turner,

a prominent citizen and large landholder. His limestone house was torn down in this century. The Wheatlands estate was originally called Castle Thunder and included a very large geographic area. All that survives from the period of the house are three stone buildings and three stone foundations. However, the archaeological remains on this site are extensive.

The presence of the three extant outbuildings and three stone foundations appear to comprise the farm complex as it existed toward the end of the nineteenth-century. The Wheatlands Farm site is considered eligible for the National Register under Criterion A, as one of the early settlement sites in the regions, Criterion B, for its association with the Turner family, and Criterion D, for its ability to yield important historic information.

d. Function

There are no public activities on the Wheatlands Farm.

e. Facilities

There are no public facilities on the Wheatlands Farm. The private facilities include three modern turn-out sheds for horses, a large modern barn, and a modern trailer.

f. Access

Access to the Wheatlands Farm is by private drive. The main driveway to the property is from US 340.

g. Relationship to Similarly Used Lands

In Jefferson County, West Virginia, there are other privately owned farm properties that have been either listed or determined eligible for listing in the National Register of Historic Places. The William Grubb Farm listed on the National Register and is located on the north side of Jefferson County 340/2, west of US 340 in West Virginia. Five other farms in the project area are eligible for the National Register and are discussed elsewhere in this document.

h. Applicable Clauses Affecting Ownership

There are no known special covenants, restrictions, or deed conditions that would preclude the use of the Wheatlands Farm site for highway purposes.

i. Unusual Characteristics

There are no unusual characteristics of the Section 4(f) property.

2. Impacts On The Section 4(f) Wheatlands Farm

The Wheatlands Farm would be impacted by land acquisition for conceptual right of way with Alternate 6. Approximately 6.6 acres (2.7 hectares) of right of way would be acquired for Alternate 6. This alternate would require the removal of two of the three existing stone buildings and the stone foundation of the main house. Alternate 8 will not require any property from the historic site.

The Wheatlands Farm would be impacted during the construction of this project since the major elements during construction include earth removal, hauling, grading, and paving. Air quality in the region is not adversely affected from the project. In fact, air quality improves when comparing the six build alternates with the No-Build Alternate. Due to the project, noise impacts occur along the build alternates, however since the site does not meet the National Register Criteria for standing structures, noise abatement measures were not considered for the Wheatlands Farm.

Alternate 6 is evaluated as having high visual impact to this site since a modern roadway would be introduced through the middle of its farm setting. Alternate 8 will have no visual impact to the site since it will not be clearly visible from the site.

3. Avoidance Alternates

The No-Build Alternative and Alternate 8 would not impact the Section 4(f) Wheatlands Farm site. Alternate 6 does impact this archaeological site. Exhibit V-4 shows the relationship of the alternates to the property. Although the No-Build Alternative would not impact the Wheatlands Farm, it is not considered a

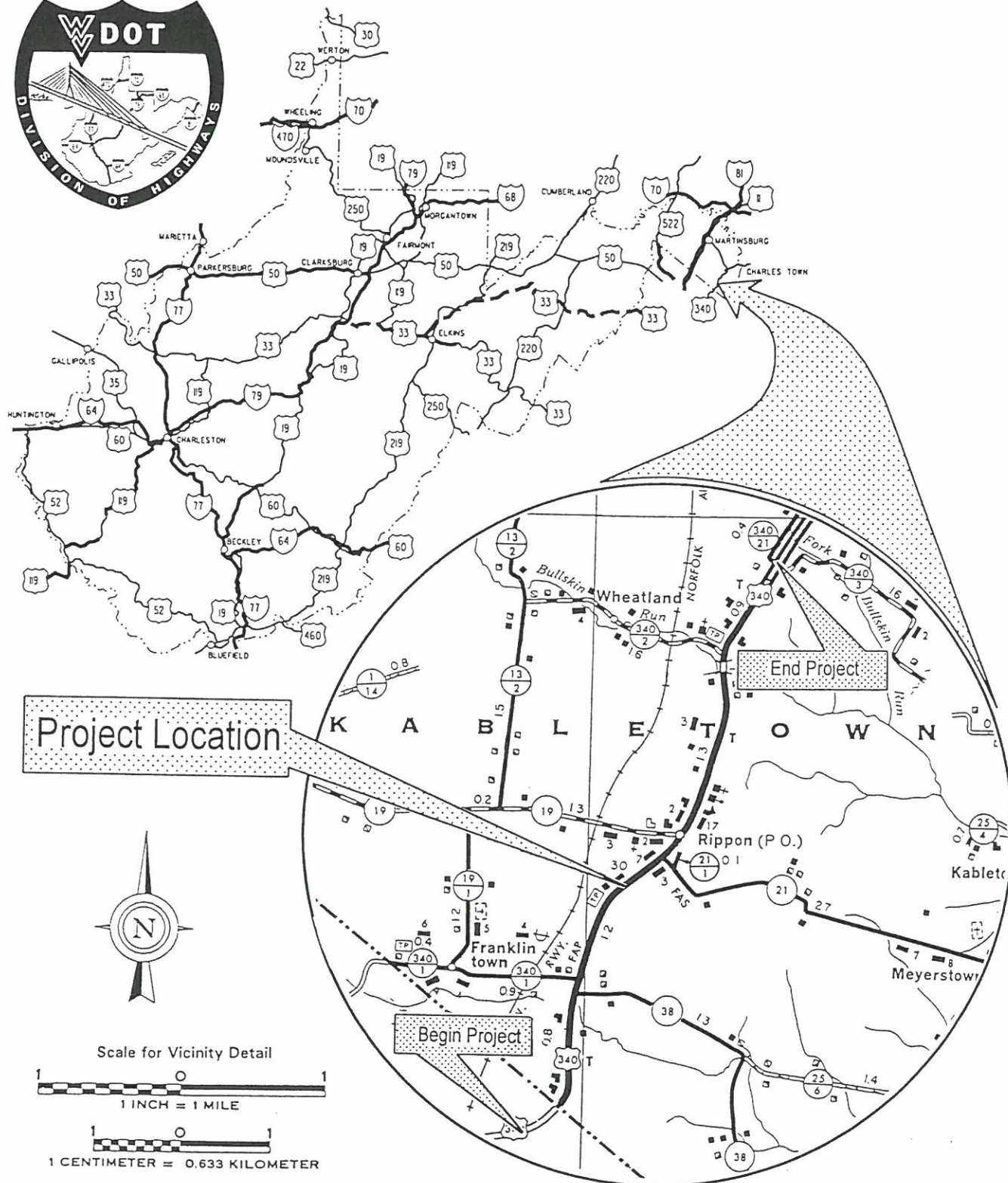
prudent alternative because it would not meet the purpose and need for the project. Therefore, Alternate 8 is considered the avoidance alternatives for this archaeological site.

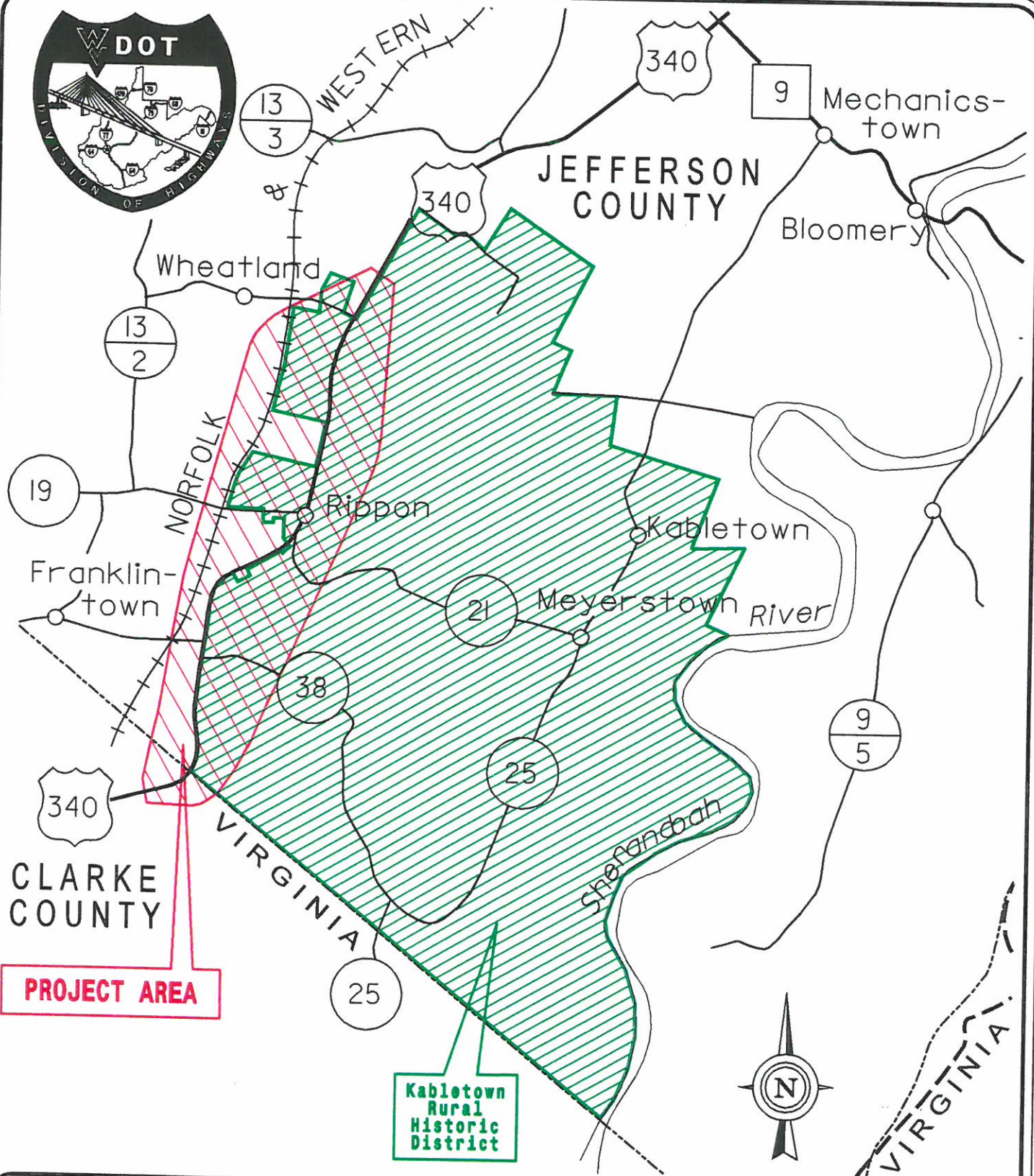
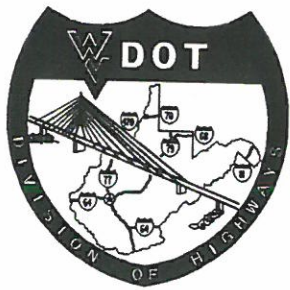
4. Measures To Minimize Harm

Minimizing harm to the Section 4(f) property may be accomplished with data recovery in the areas impacted by the proposed roadway. If preservation in place is considered for the site, specific measures to preserve the site would be considered where practical and will be coordinated with the West Virginia State Historic Preservation Officer, (SHPO).

5. Coordination

Coordination with the SHPO and other agencies has taken place throughout the course of the study. Coordination and meetings with SHPO and other agencies included discussions concerning the determination of Section 4(f) properties, avoidance alternatives, and measures to minimize harm.





CLARKE
COUNTY

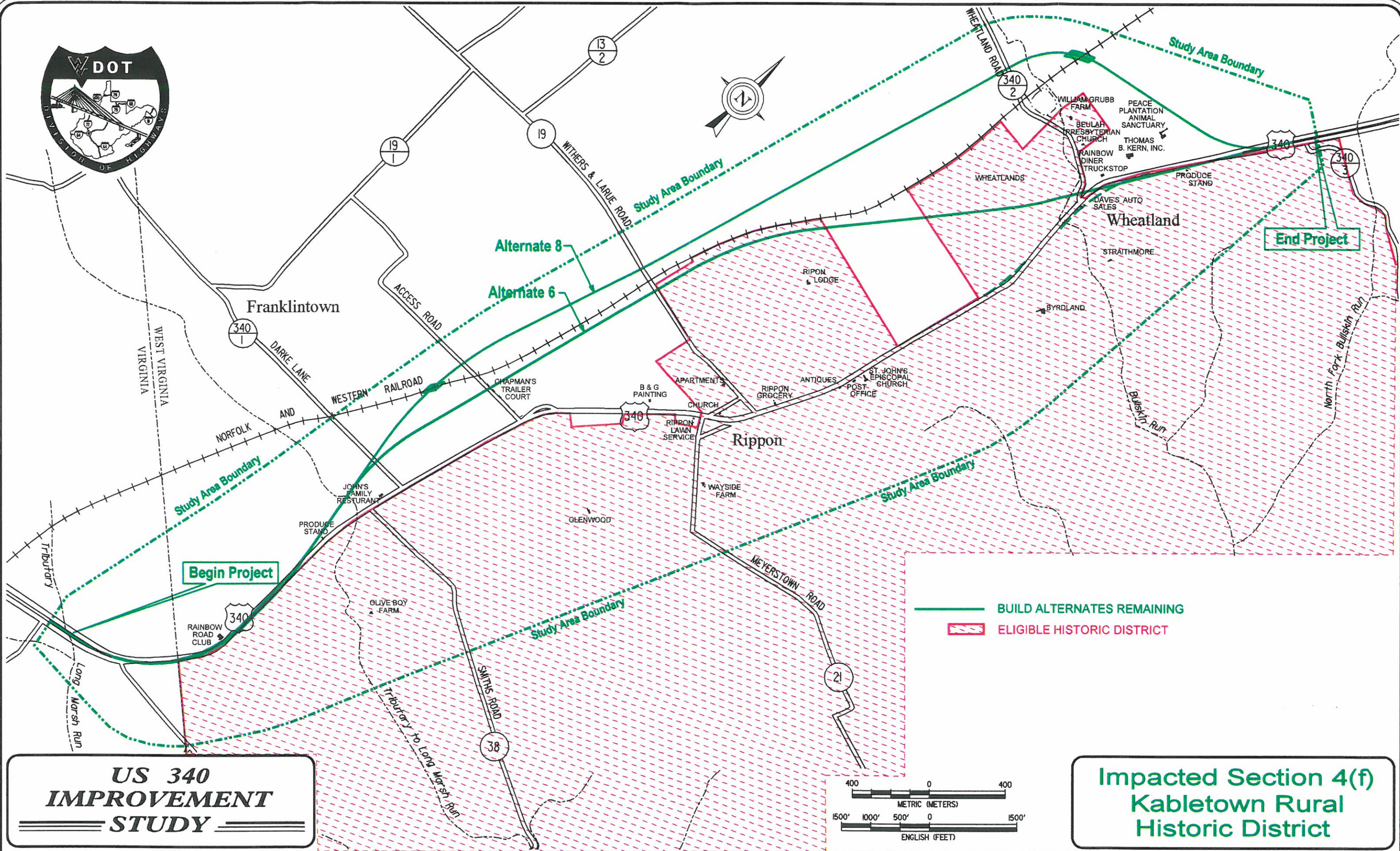
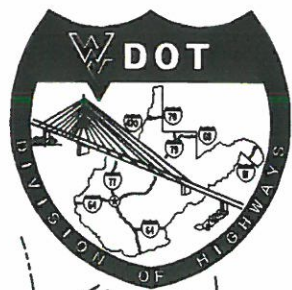
PROJECT AREA

**Kabletown
Rural
Historic
District**

**US 340
IMPROVEMENT
STUDY**

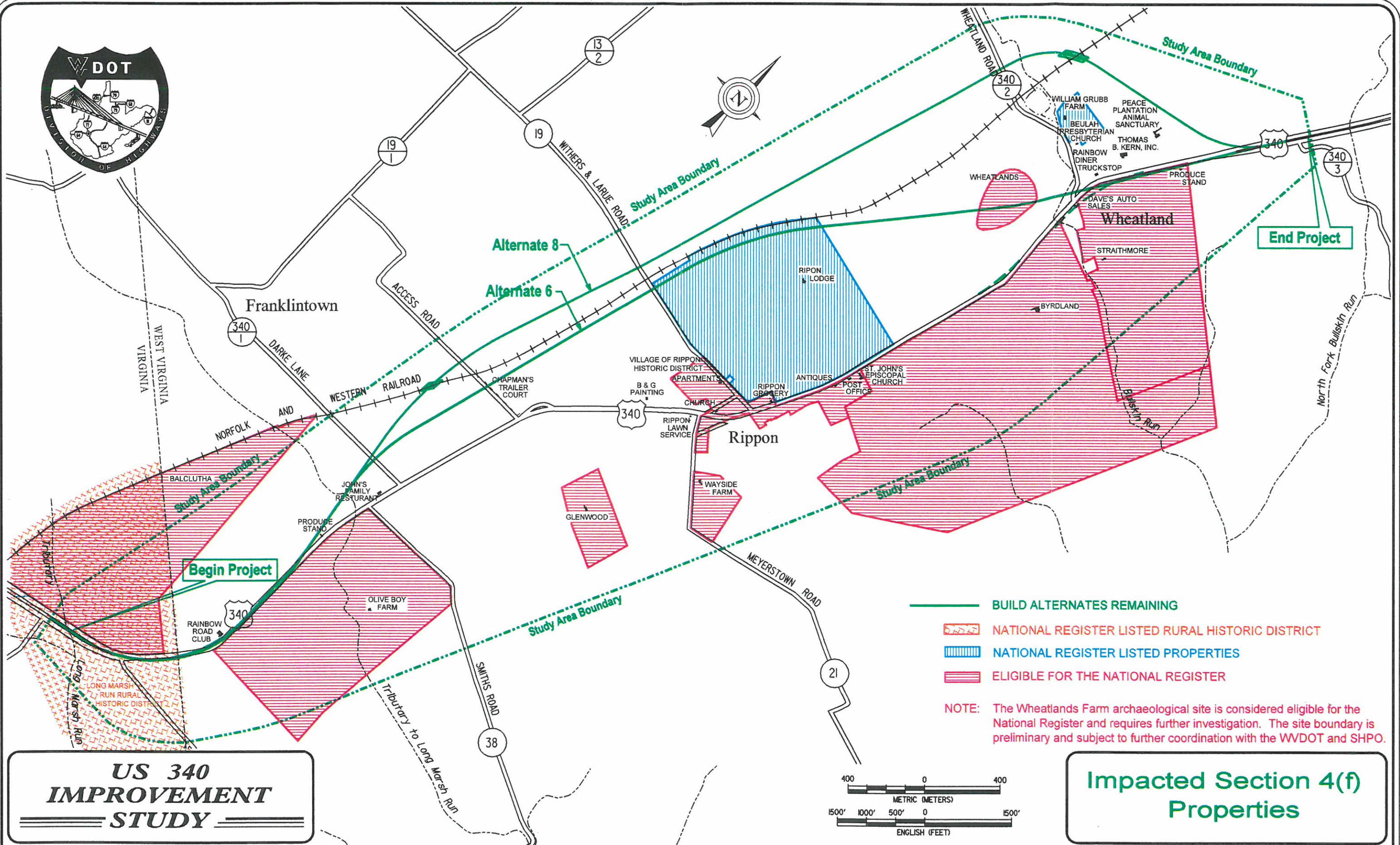
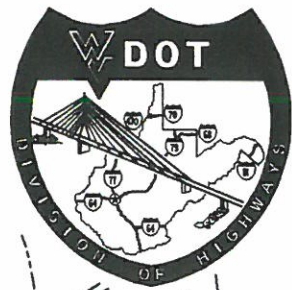
**Kabletown Rural
Historic District
Boundaries**

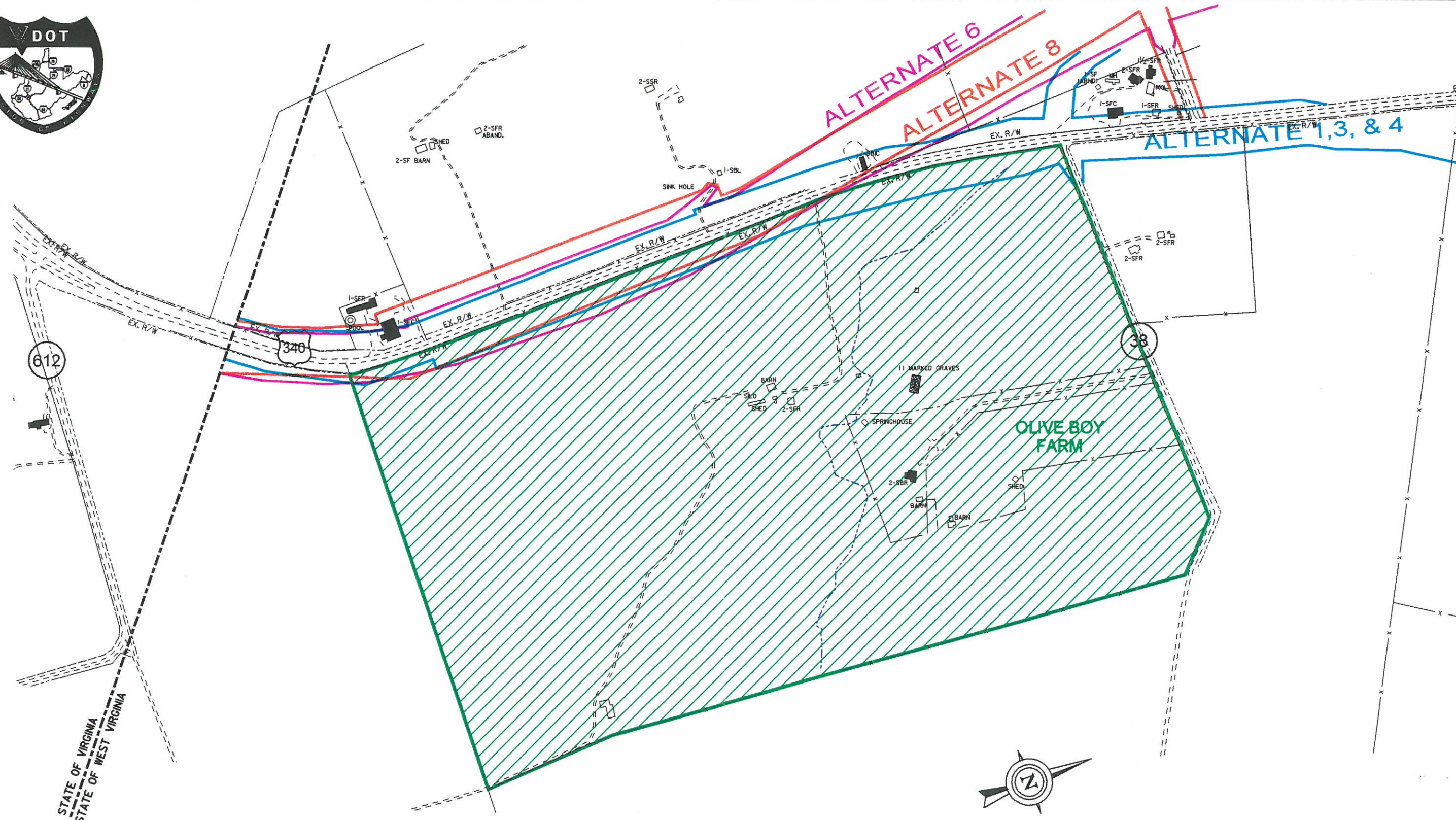
Exhibit V-2



**US 340
IMPROVEMENT
STUDY**

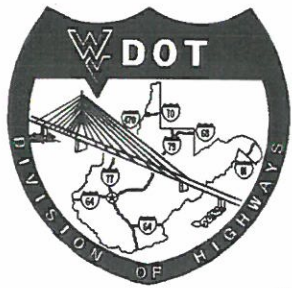
**Impacted Section 4(f)
Kabletown Rural
Historic District**





**US 340
IMPROVEMENT
STUDY**

**Impacted
Olive Boy Farm
Property**



ALTERNATE 8

NORFORK & SOUTHERN RAILROAD

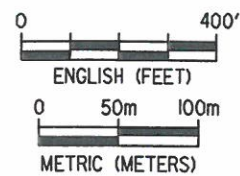
ALTERNATE 6

ALT. 6

ALT. 1

ALTERNATES 1 & 3

RIPON LODGE

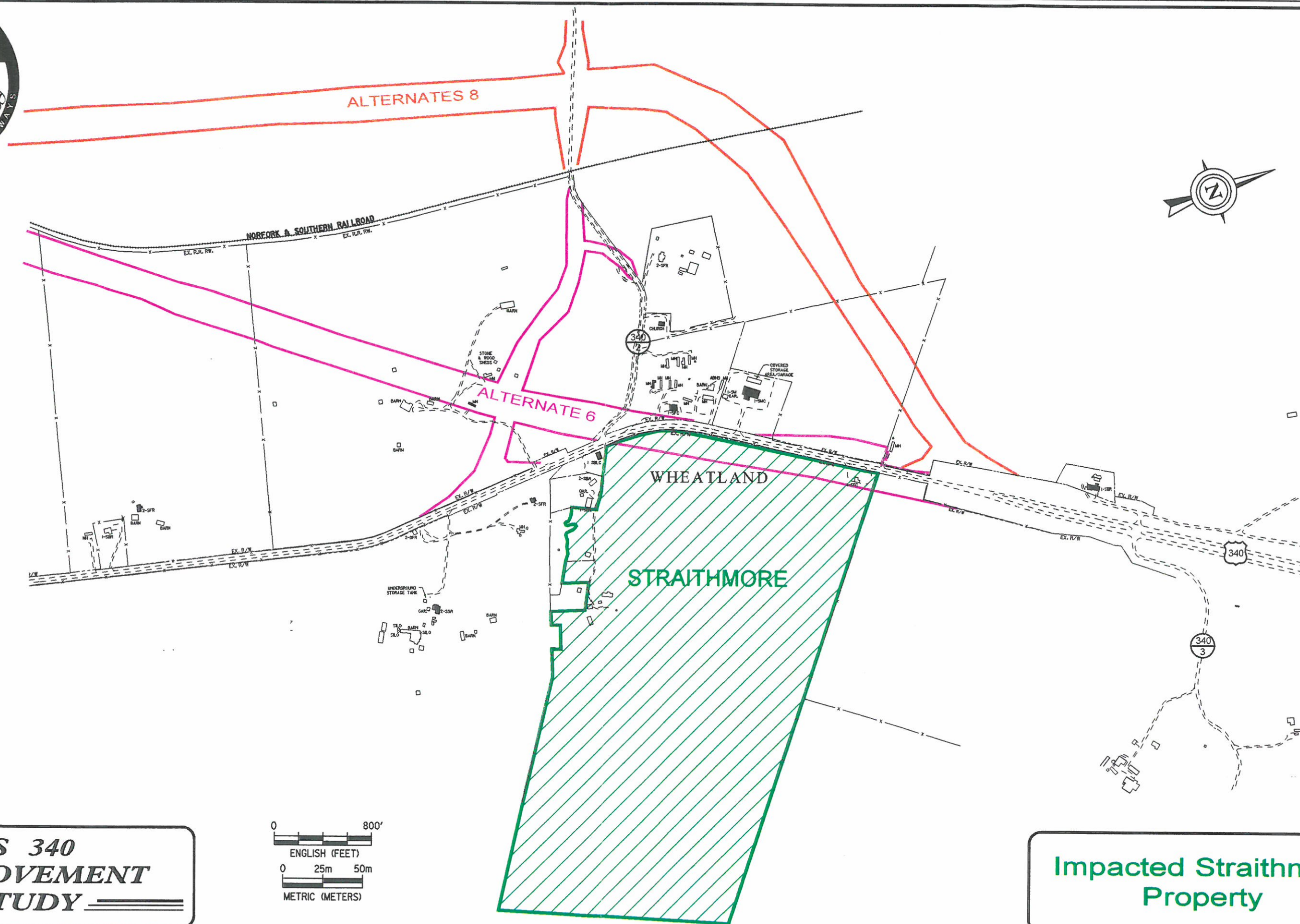
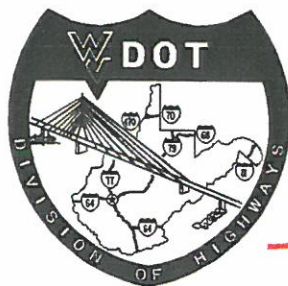


**US 340
IMPROVEMENT
STUDY**

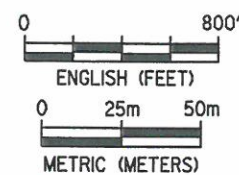
RIPPON

**Impacted
Ripon Lodge
Property**

Exhibit V-6



**US 340
IMPROVEMENT
STUDY**



**Impacted Straithmore
Property**

VI. LIST OF PREPARERS

This document was prepared by the West Virginia Department of Transportation and the Federal Highway Administration with assistance from H. W. Lochner, Inc. in cooperation with Coastal Carolina Research, Inc. The following persons contributed to this document:

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VII. LIST OF AGENCIES, ORGANIZATIONS, AND PERSONS TO WHOM COPIES OF THIS STATEMENT ARE SENT

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West Virginia Division of Culture
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Charleston, West Virginia
25305-0300

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Martinsburg, WV 25401

Jefferson County Commission
Charles Town, West Virginia 25414

VIII. COMMENTS AND COORDINATION

A. Early Coordination

WVDOT implemented the scoping process for this project as required by the Council of Environmental Quality Guidelines. An agency scoping package was distributed to appropriate federal and state agencies, as well as local agencies and officials. The scoping package described the objectives of the scoping process, provided a project description, brief summaries of need for action and the project status, and a list of possible constraints to be considered during project planning. The scoping package included a checklist of possible Draft Environmental Impact Statement issues and requested that agencies in response to the scoping check off the issues which should be of primary or secondary emphasis. The scoping package was distributed in July 1996. The following agencies were sent the scoping package and provided responses:

AGENCY	RESPONSE
WV Bureau of Commerce - Division of Natural Resources	8-19-96
WV Bureau of Commerce - Division of Tourism	
WV Health and Human Services - Environmental Engineering	
WV Bureau of Environment - Water Resources Section	
WV Bureau of Environment - Waste Management Section	
WV Bureau of Environment - Division of Environmental Protection	
WV Bureau of Environment - Division of Environmental Protection - Office of Air Quality	7-22-96
WV Division of Culture and History	
US Army Corps of Engineers - Pittsburgh District	8-9-96
US Army Corps of Engineers- Baltimore District	8-5-96
US Fish and Wildlife Service	8-29-96
US Department of Agriculture - Natural Resource Conservation Service	
US Environmental Protection Agency	8-29-96
Jefferson County Commission	
Jefferson County Planning Commission	
Eastern Panhandle Regional Planning and Development Council	

The Federal Highway Administration issued a Notice of Intent for this project and published it in the Federal Register on February 9, 1996.

B. Purpose and Need Coordination

In accordance with the requirements of the combined NEPA/404 process, the West Virginia Department of Transportation published a Purpose and Need Report for the project in October 1996. This report was sent to various federal, state, and local agencies for review, comment, and concurrence. The following is a list of the agencies sent the Purpose and Need Report along with an indication of those responding and their concurrence dates. Some agencies elected to not respond. For these agencies concurrence has been assumed. There were no agencies that disagreed with the Purpose and Need Report.

AGENCY	RESPONSE
WV Bureau of Commerce - Division of Natural Resources	
WV Bureau of Commerce - Division of Tourism	
WV Health and Human Services - Environmental Engineering Division	
WV Bureau of Environment - Water Resources Section	
WV Bureau of Environment - Waste Management Section	
WV Bureau of Environment - Division of Environmental Protection	
WV Bureau of Environment - Division of Environmental Protection - Office of Air Quality	10-22-96
WV Division of Culture and History	11-21-96
US Army Corps of Engineers - Pittsburgh District	11-7-96*
US Army Corps of Engineers- Baltimore District	11-20-96
US Fish and Wildlife Service	
US Department of Agriculture - Natural Resource Conservation Service	
US Environmental Protection Agency	1-23-97*
Jefferson County Commission	
Jefferson County Planning Commission	
Eastern Panhandle Regional Planning and Development Council	

* - Agency Concurrence Noted in Response

C. Alternatives Coordination

In further accordance with the requirements of the combined NEPA/404 process, the West Virginia Department of Transportation published an Alternatives Report for the project in February 1997. This report was sent to various federal, state, and local agencies for review, comment, and concurrence. The following is a list of the agencies sent the Alternatives Report along with an indication of those responding and their concurrence dates. Some agencies elected to not respond. For these agencies concurrence has been assumed. There were no agencies that disagreed with the Alternatives Report. The letters received from agencies concerning the project are contained in the Appendix of this document. These letters are arranged according to the date on the letter.

AGENCY	RESPONSE
WV Bureau of Commerce - Division of Natural Resources	4-10-97
WV Bureau of Commerce - Division of Tourism	
WV Health and Human Services - Environmental Engineering Division	
WV Bureau of Environment - Water Resources Section	
WV Bureau of Environment - Waste Management Section	
WV Bureau of Environment - Division of Environmental Protection	
WV Bureau of Environment - Division of Environmental Protection - Office of Air Quality	4-11-97
WV Division of Culture and History	
US Army Corps of Engineers - Pittsburgh District	7-8-97*
US Army Corps of Engineers- Baltimore District	
US Fish and Wildlife Service	
US Department of Agriculture - Natural Resource Conservation Service	
US Environmental Protection Agency	6-19-97*
Jefferson County Commission	
Jefferson County Planning Commission	
Eastern Panhandle Regional Planning and Development Council	

* - Agency Concurrence Noted in Response

D. Cultural Resource Coordination

In accordance with the requirements of Section 106 of the National Historic Preservation Act, the West Virginia Department of Transportation published the Phase I Cultural Resource Investigation for the project in May 1997. This report was sent to the West Virginia Division of Culture and History, State Historic Preservation Officer (SHPO) for review, comment, and concurrence. The archaeological portion of the document was found to be acceptable by SHPO with written concurrence provided on February 17, 1999. Additional archaeological investigations were initiated and the findings from the sample survey were submitted to SHPO and concurred with in November and December of 1999.

Based on their review of the architectural history portion of the Phase I Cultural Resources Evaluation, the SHPO requested additional studies. The additional studies were performed and the findings were submitted in an "Architectural Evaluation Report" in January 2000 and an Addendum in May 2000. The SHPO concurred with these findings in March 2000 and June 2000. The SHPO also concurred with the preliminary determinations of effects for the historic resources. The correspondence for the coordination with WVSHPO is included in Appendix B.

E. Public Involvement Program

The West Virginia Department of Transportation (WVDOT) held an Informational Public Workshop for the US 340 Improvement Study on Thursday, July 16, 1998, between 4 p.m. and 8 p.m. at the Charles Town City Hall in Charles Town, West Virginia. The Informational Public Workshop was an open format workshop without formal presentation. Representatives of the WVDOT were present at the meeting with displays and maps to discuss the project with the public. Approximately 60 people attended the Informational Public Workshop.

Individuals written comments on the project were received from 88 persons or organizations. The written comments were either provided on a project comment sheet or in letterform. Written responses have been summarized in Table VIII-1. There was some support and opposition for every build alternate and the No-Build

Alternative. The West Virginia Department of Transportation took all comments received into consideration.

Overall, respondents indicated that additional travel lanes were needed to improve the safety and capacity of the existing two-lane section of US 340. The largest difference of opinion was whether the roadway should be located east or west of the community of Rippon.

Approximately 89 percent of the respondents were clearly in favor of locating the proposed road to the east of Rippon on Alternate 4 or Alternate 5. Reasons given for the eastward location included: fewer family relocations, avoids new development, less impact to the community of Rippon, fewer cultural resource impacts, avoids the Ripon Lodge National Register site, fewer noise impacted properties, more open land, and safety issues with the Norfolk Southern railroad. Seven percent of the respondents favored Alternate 6 on the west side of Rippon because of the valuable farmland impacted along Alternates 4 and 5.

Of those respondents preferring an alternate east of Rippon, approximately 67 percent favored Alternate 5 over Alternate 4. Reasons for supporting Alternate 5 included: it would be located further away from Rippon and it would require one less residential relocation than Alternate 4 (1 relocation versus 2 relocations, respectively). Several people supported Alternate 5 only if the roadway plans could be changed to avoid the Wayside Farm on Meyerstown Road (Jefferson County 21).

Residents living within the study area of the project submitted a petition. The petition contained the signatures of 58 residents recommending the development and construction of Alternate 5. Thirty-two of these individuals had not previously submitted written comments or comment sheets.

A final decision on the preferred alternative will be made following the review of comments on the Draft Environmental Impact Statement and information presented as part of the Public Hearing process for the project.

**TABLE VIII-1
SUPPORT/OPPOSITION SUMMARY**

Build Alternate *	Reasons To Support	Reasons To Oppose
Alternate 1	<ul style="list-style-type: none"> • Avoids farm operations east of Rippon 	<ul style="list-style-type: none"> • Disrupts community of Rippon • Impacts Ripon Lodge Farm • More development west of Rippon
Alternate 3	<ul style="list-style-type: none"> • Avoids farm operations east of Rippon 	<ul style="list-style-type: none"> • Disrupts community of Rippon • Impacts Ripon Lodge Farm • More development west of Rippon
Alternate 4	<ul style="list-style-type: none"> • Fewer family relocations • Avoids new development • Less impact to the community of Rippon • Fewer cultural resource impacts • Avoids Ripon Lodge Farm • Fewer noise impacted properties • More open land • Safety issues with Norfolk Southern RR • Safer for school buses 	<ul style="list-style-type: none"> • Bisects and affects farm operations
Alternate 5	<ul style="list-style-type: none"> • Fewer family relocations • Avoids new development • Less impact to the community of Rippon • Fewer cultural resource impacts • Avoids Ripon Lodge Farm • Fewer noise impacted properties • More open land • Safety issues with Norfolk Southern RR • Lowest right of way and utility cost • Safer for school buses 	<ul style="list-style-type: none"> • Bisects and affects farm operations • Impacts ponds and spring
Alternate 6	<ul style="list-style-type: none"> • Least farmland impact • Least wetland impact • Lowest total cost 	<ul style="list-style-type: none"> • Safety issues with Norfolk Southern RR • More development west of Rippon • Busy intersection with Withers & Larue Road (Jefferson County 19)
No-Build Alternative	<ul style="list-style-type: none"> • Highway is sufficient to carry traffic load • A larger road will promote development and destroy history 	<ul style="list-style-type: none"> • Travel safety • Improvements are needed along this two-lane section of US 340 • Current traffic volume exceeds capacity

* Alternate 8 was developed in January 2000 after the public meetings were held. This alternate was developed to avoid the historic resources.

IX. INDEX

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APPENDICES

- A. FARMLAND CONVERSION IMPACT RATING (FORM AD 1006)**
- B. AGENCY COMMENTS AND COORDINATION**

APPENDIX A

FARMLAND CONVERSION IMPACT RATING (FORM AD 1006)

EXHIBIT A-1 U.S. Department of Agriculture, April 29, 1997

EXHIBIT A-2 U.S. Department of Agriculture, April 29, 1997

EXHIBIT A-3 U.S. Department of Agriculture, June 26, 2000

FARMLAND CONVERSION IMPACT RATING

ART I (To be completed by Federal Agency)		Date Of Land Evaluation Request <u>3/4/97</u>			
Name Of Project <u>US 340 Improvement Study</u>		Federal Agency Involved <u>Federal Highway Administration</u>			
Proposed Land Use <u>roadway</u>		County And State <u>Jefferson County, West Virginia</u>			
ART II (To be completed by SCS)		Date Request Received By SCS <u>4/29/97</u>			
Does the site contain prime, unique, statewide or local important farmland? (If no, the FPPA does not apply - do not complete additional parts of this form)		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Acres Irrigated <u>NA</u>	Average Farm Size <u>220</u>
Major Crop(s) <u>Corn, Soybeans, Pasture, hay</u>	Farmable Land In Govt. Jurisdiction Acres: <u>92790</u> % <u>68.9</u>	Amount Of Farmland As Defined In FPPA Acres: <u>92790</u> % <u>68.9</u>			
Name Of Land Evaluation System Used <u>LESA</u>	Name Of Local Site Assessment System	Date Land Evaluation Returned By SCS <u>5/15/97 R Estep</u>			
ART III (To be completed by Federal Agency)		Alternative Site Rating			
		Site A 1	Site B 3	Site C 4	Site D 5
A. Total Acres To Be Converted Directly		<u>109</u>	<u>102</u>	<u>102</u>	<u>111</u>
B. Total Acres To Be Converted Indirectly		<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
C. Total Acres In Site		<u>109</u>	<u>102</u>	<u>102</u>	<u>111</u>
ART IV (To be completed by SCS) Land Evaluation Information					
A. Total Acres Prime And Unique Farmland		<u>55.2</u>	<u>52.7</u>	<u>50.5</u>	<u>54.1</u>
B. Total Acres Statewide And Local Important Farmland		<u>17.2</u>	<u>26.5</u>	<u>31.8</u>	<u>37.2</u>
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted		<u>.001</u>	<u>.001</u>	<u>.001</u>	<u>.001</u>
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value		<u>45.4</u>	<u>45.4</u>	<u>45.4</u>	<u>45.4</u>
PART V (To be completed by SCS) Land Evaluation Criterion Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)		<u>79</u>	<u>79.3</u>	<u>78.8</u>	<u>73.9</u>
ART VI (To be completed by Federal Agency)					
Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))	Maximum Points				
1. Area In Nonurban Use		<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>
2. Perimeter In Nonurban Use		<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
3. Percent Of Site Being Farmed		<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>
4. Protection Provided By State And Local Government		<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
5. Distance From Urban Builtup Area					
6. Distance To Urban Support Services					
7. Size Of Present Farm Unit Compared To Average		<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>
8. Creation Of Nonfarmable Farmland		<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
9. Availability Of Farm Support Services		<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>
10. On-Farm Investments		<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
11. Effects Of Conversion On Farm Support Services		<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
12. Compatibility With Existing Agricultural Use		<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>
TOTAL SITE ASSESSMENT POINTS	160	<u>72</u>	<u>72</u>	<u>72</u>	<u>72</u>
PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)	100	<u>79.0</u>	<u>79.3</u>	<u>78.8</u>	<u>73.9</u>
Total Site Assessment (From Part VI above or a local site assessment)	160	<u>72.0</u>	<u>72.0</u>	<u>72.0</u>	<u>72.0</u>
TOTAL POINTS (Total of above 2 lines)	260	<u>151.0</u>	<u>151.3</u>	<u>150.8</u>	<u>145.9</u>
Site Selected:		Date Of Selection		Was A Local Site Assessment Used? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Reason For Selection:					

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)

Date Of Land Evaluation Request 3/4/97

Name Of Project

US 340 Improvement Study

Federal Agency Involved

Federal Highway Administration

Proposed Land Use

County And State

Jefferson County, West Virginia

PART II (To be completed by SCS)

Date Request Received By SCS

4/29/97

Does the site contain prime, unique, statewide or local important farmland?

Yes ☐ No ☒

(If no, the FPPA does not apply - do not complete additional parts of this form)

Acres Irrigated

Average Farm Size

NA

220

Major Crop(s)

Corn Soybeans Pasture Hay

Farmable Land In Govt. Jurisdiction

Acres: 92790 % 68.9

Amount Of Farmland As Defined In FPPA

Acres: 92790 % 68.9

Name Of Land Evaluation System Used

Name Of Local Site Assessment System

Date Land Evaluation Returned By SCS

LESA

5/15/97 R. E. Stapp

PART III (To be completed by Federal Agency)

Alternative Site Rating

A. Total Acres To Be Converted Directly

Site A - 6

109

Site B

Site C

Site D

B. Total Acres To Be Converted Indirectly

0

C. Total Acres In Site

109

PART IV (To be completed by SCS) Land Evaluation Information

A. Total Acres Prime And Unique Farmland

40.7

B. Total Acres Statewide And Local Important Farmland

10.8

C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted

.001

D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value

32.9

PART V (To be completed by SCS) Land Evaluation Criterion

Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)

82.6

PART VI (To be completed by Federal Agency)

Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))

Maximum Points

1. Area In Nonurban Use

15

2. Perimeter In Nonurban Use

10

3. Percent Of Site Being Farmed

2

4. Protection Provided By State And Local Government

0

5. Distance From Urban Builtup Area

6. Distance To Urban Support Services

7. Size Of Present Farm Unit Compared To Average

5

8. Creation Of Nonfarmable Farmland

0

9. Availability Of Farm Support Services

5

10. On-Farm Investments

10

11. Effects Of Conversion On Farm Support Services

0

12. Compatibility With Existing Agricultural Use

5

TOTAL SITE ASSESSMENT POINTS

160

52

PART VII (To be completed by Federal Agency)

Relative Value Of Farmland (From Part V)

100

82.6

Total Site Assessment (From Part VI above or a local site assessment)

160

52.0

TOTAL POINTS (Total of above 2 lines)

260

134.6

Site Selected:

Date Of Selection

Was A Local Site Assessment Used?

Yes ☐No ☐

Reason For Selection:

FARMLAND CONVERSION IMPACT RATING

I (To be completed by Federal Agency)		Date Of Land Evaluation Request		6/21/00	
Name of Project		Federal Agency Involved			
US 340 IMPROVEMENT STUDY		FEDERAL HIGHWAY ADMINISTRATION			
Proposed Land Use		County And State			
ROADWAY		JEFFERSON COUNTY, WEST VIRGINIA			
PART II (To be completed by SCS)		Date Request Received By SCS		6/26/00	
Does the site contain prime, unique, statewide or local important farmland? If no, the FPPA does not apply - do not complete additional parts of this form.		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	ACRES IRRIGATED	AVERAGE FARM SIZE
				NA	220
Crop(s)	Farmable Land in Gov't Jurisdiction	Amount Of Farmland As Defined in FPPA			
corn Soybeans Pasture Hay	Acres: 92790 % 68.9	Acres: 92790 % 68.9			
Land Evaluation System Used	Name Of Local Site Assessment	Date Land Evaluation Returned by SCS			
LESA		6/28/00 Ron Estep			
PART III (To be completed by Federal Agency)		Alternative Site Rating			
		Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly		120 + 28 = 148 RE			
B. Total Acres To Be Converted Indirectly		0			
C. Total Acres In Site		120 + 28 = 148 RE			
PART IV (To be completed by SCS) Land Evaluation Information					
A. Total Acres Prime And Unique Farmland		82.			
B. Total Acres Statewide and Local Important Farmland		38			
C. Percentage of Farmland In County Or Local Govt. Unit To Be Converted		.001			
D. Percentage of Farmland In Govt. Jurisdiction With Same Or Higher Value		32.9			
PART V (To be completed by SCS) Land Evaluation Criterion					
Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)		82.2			
PART VI (To be completed by Federal Agency)		Maximum Points			
Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))					
1. Area in Nonurban use		15			
2. Perimeter in Nonurban Use		10			
3. Percent Of Site Being Farmed		4			
4. Protection Provided By State And Local Government		20			
5. Distance From Urban Builtup Area					
6. Distance To Urban Support Services					
7. Size Of Present Farm Unit Compared To Average		5			
8. Creation Of Nonfarmable Farmland		0			
9. Availability Of Farm Support Services		5			
10. On-Farm Investments		10			
11. Effects Of Conversion On Farm Support Services		0			
12. Compatibility With Existing Agricultural Use		5			
TOTAL SITE ASSESSMENT POINTS		160	74		
PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part VI)		100	82.2		
Total Site Assessment (From Part VI above or a local assessment)		160	74.0		
TOTAL POINTS (Total of above 2 lines)		260	156.2		
Date Selected:		Date of Selection:		Was A Local Site Assessment Used?	
				Yes <input type="checkbox"/> No <input type="checkbox"/>	
Reason For Selection:					

APPENDIX B

AGENCY COMMENTS AND COORDINATION

EXHIBIT B-1	U.S. Army Corps of Engineers- Baltimore District, April 30, 1996
EXHIBIT B-2	W.V. Bureau of Environment - Division of Environmental Protection - Office of Air Quality, July 22, 1996
EXHIBIT B-3	U.S. Army Corps of Engineers- Baltimore District, August 5, 1996
EXHIBIT B-4	U.S. Army Corps of Engineers - Pittsburgh District, August 9, 1996
EXHIBIT B-5	W.V. Bureau of Commerce - Division of Natural Resources, August 19, 1996
EXHIBIT B-6	U.S. Department of Interior - Fish and Wildlife Service, August 29, 1996
EXHIBIT B-7	U.S. Environmental Protection Agency, Region III, August 29, 1996
EXHIBIT B-8	W.V. Bureau of Environment - Division of Environmental Protection - Office of Air Quality, October 22, 1996
EXHIBIT B-9	U.S. Army Corps of Engineers - Pittsburgh District, November 7, 1996
EXHIBIT B-10	U.S. Army Corps of Engineers- Baltimore District, November 20, 1996
EXHIBIT B-11	W.V. Division of Culture and History, November 21, 1996
EXHIBIT B-12	U.S. Environmental Protection Agency, Region III, January 23, 1997

AGENCY COMMENTS AND COORDINATION (Continued)

EXHIBIT B-13	W.V. Bureau of Commerce - Division of Natural Resources, April 10, 1997
EXHIBIT B-14	W.V. Bureau of Environment - Division of Environmental Protection - Office of Air Quality, April 11, 1997
EXHIBIT B-15	U.S. Environmental Protection Agency, Region III, May 14, 1997
EXHIBIT B-16	U.S. Environmental Protection Agency, Region III, June 19, 1997
EXHIBIT B-17	U.S. Army Corps of Engineers - Pittsburgh District, July 8, 1997
EXHIBIT B-18	W.V. Division of Culture and History, February 17, 1999
EXHIBIT B-19	W.V. Division of Culture and History, November 23, 1999
EXHIBIT B-20	W.V. Division of Culture and History, December 7, 1999
EXHIBIT B-21	W.V. Division of Culture and History, January 7, 2000
EXHIBIT B-22	W.V. Division of Culture and History, March 10, 2000
EXHIBIT B-23	W.V. Division of Culture and History, June 2, 2000
EXHIBIT B-24	U.S. Department of Interior – Fish and Wildlife Service, October 3, 2000
EXHIBIT B-25	W.V. Division of Culture and History, November 9, 2000
EXHIBIT B-26	V.A. Department of Historic Resources, August 31, 2001



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

April 30, 1996

Planning Division

Mr. Ben Hark
West Virginia Department of Transportation
Department of Highways
Environmental Services Section
1900 Kanawha Boulevard East
Building Five, Room 109
Charleston, West Virginia 25305-0430

RECEIVED
MAY - 5 1997

ROADWAY DESIGN DIVISION
W. VA. DIV. OF HIGHWAYS

Dear Mr. Hark:

I am providing a response to your request for Baltimore District's comments on the U.S. Route 340, Virginia State Line to Charles Town, Jefferson County, Alternatives Report. The comments provided below address the Corps of Engineers' areas of concern, including direct and indirect impacts on existing and/or proposed Corps projects, flood control hazard potential, and regulatory requirements under Section 404 of the Clean Water Act.

Based upon our review of the information provided, there are no existing or proposed Corps projects that would be affected by the Route 340 Improvement project.

The proposed road improvements will have a significant impact on the floodplain in the vicinities of Flowing Springs Run at the intersection of U.S. Route 340 and Route 38, and Bullskin Run. New construction or major improvements within the floodplain requires full compliance with Executive Order (E.O.) No. 11988, May 24, 1977, Floodplain Management; Federal Emergency Management Agency regulations (FEMA); and other Federal, state, and local floodplain regulations. The objectives of the E.O. No. 11988 and other floodplain regulations are to avoid the adverse effects of occupying and modifying the floodplain and to avoid direct and indirect support of development in the floodplain. The order requires that activities not be located in the floodplain unless this would be the only practicable alternative. Activities that must be located in the floodplain must incorporate measures to (1) reduce the hazard and risk associated with floods; (2) minimize the adverse effects on human health, safety, and welfare; and (3) restore and preserve the natural and beneficial values of the floodplain.

The subject report does not generally satisfy Federal floodplain requirements. The Flowing Springs Run and Bullskin Run areas have not been addressed in the report as to the potential impacts that this project may have to the floodplain.

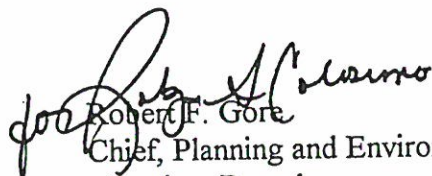
Certain activities in the waters of the U.S., and jurisdictional wetlands, require Department of the Army permits from the Corps. Corps regulations [33 CFR 320 through 330 and 33 CFR 230 and 325 (Appendix B)] require full compliance with the National Environmental Policy Act (NEPA) of 1969 during the review and evaluation of permit applications. To the maximum extent

possible, the Corps will accept the information presented in NEPA documents for evaluating permit applications. This project is located within the Pittsburgh District. My staff has contacted this office and has determined that the Pittsburgh District will be providing comments with respect to the Corps' regulatory requirements. If you have any questions or need additional information on regulatory requirements, the point of contact is Mr. Ray Berringer, Chief, Regulatory Branch, Pittsburgh District, at (412) 644-4204.

(412) 661-7775

If you have any questions on this matter, please call me or my action officer, Ms. Andrea E. Walker, at (410) 962-3027.

Sincerely,


Robert F. Gore
Chief, Planning and Environmental
Services Branch

CF:
CEORP-OR-R, Ray Berringer

RECEIVED
JUL 24 1996



ROADWAY DESIGN DIVISION
WV DIVISION OF HIGHWAYS
GASTON CAPERTON
GOVERNOR

DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street East
Charleston, WV 25311-2599

LAIDLEY ELI MCCOY, PH.D.
DIRECTOR

July 22, 1996

Mr. Randolph T. Epperly, Jr.
WV DOT/DOH
Bldg. 5, Room A-430

via InterDept. Mail

Re: US 340 Improvements- Agency Scoping
State Project U219-340-0.00 02
Federal Project NH-0340(030)E
Jefferson County

Dear Mr. Epperly:

This letter responds to your agency's letter (July 10, 1996) to Chief Farley requesting comments on the above referenced project. The Office of Air Quality appreciates the opportunity to participate in the scoping process. I have indicated "Air Quality Impacts" as a "secondary emphasis" on the "issues" sheet that accompanied the scoping package. This applies to the expected impacts within the state of West Virginia. The entire project is confined to an area which is presently attainment/unclassifiable for all criteria air pollutants. Therefore, no formal conformity determination is required under the federal transportation conformity rule (40CFR93, Subpart A). Analyses that meet the NEPA requirements should be sufficient from a local perspective. However, there may be regional air quality impacts on the nearby Baltimore (MD) - Washington (DC) area. These potential impacts on ozone nonattainment areas may justify a more thorough air-quality analysis than would routinely be performed. If you have any questions or need more information, please feel free to contact me at 558-1217.

Sincerely,

William Frederick Durham
Transportation Conformity Contact

Office of Air Quality, Air Programs and Planning Section
Phone: (304) 558-1213 Fax: (304) 558-1222



US 340 IMPROVEMENT STUDY

SCOPING PACKAGE

DEIS ISSUES

PRIMARY EMPHASIS	SECONDARY EMPHASIS	POSSIBLE ISSUES
		Purpose and Need For Action
		Affected Environment
		Environmental Consequences
		• Land Use Impacts
		• Farmland Impacts
		• Social Impacts
		• Relocation Impacts
		• Utilities and Services
		• Economic Impacts
	XX	• Air Quality Impacts
		• Noise Impacts
		• Water Quality Impacts
		• Permits
		• Wetland Impacts
		• Water Body Modification Impacts
		• Wildlife Impacts (Aquatic/Terrestrial)
		• Vegetation Impacts
		• Floodplain Impacts
		• Wild and Scenic Rivers
		• Threatened and Endangered Species
		• Historic and Archaeological Impacts
		• Hazardous Waste Sites
		• Visual Impacts
		• Energy
		• Secondary and Cumulative Impacts
		• Construction Impacts
		Comments and Coordination



DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

August 5, 1996

Planning Division

Mr. Randolph T. Epperly, Jr.
Director, Roadway Design
Division

Division of Highways
Building 5, Room A-430
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0430

RECEIVED
AUG 16 1996

ROADWAY DESIGN DIVISION
WV DIVISION OF HIGHWAYS

Dear Mr. Epperly:

Reference your letter dated, July 10, 1996, requesting Baltimore District's comments on the proposed improvements to US 340-Virginia Line to Charles Town, Jefferson County, West Virginia. The comments provided below address the Corps of Engineers (Corps) areas of concern, including direct and indirect impacts on existing and/or proposed Corps projects and flood control hazard potential.

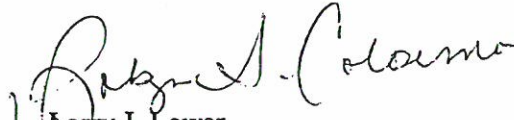
There are no existing or proposed Corps projects that would be affected by the work. Additionally, in accordance with the referenced document, portions of the proposed improvements to US 340 will be located within the flood plain. New construction or major replacement within the flood plain requires full compliance with Executive Order No. 11988, May 24, 1977, Flood Plain Management; Federal Emergency Management Agency regulations; and other Federal, state, and local flood plain regulations. The objectives of the E.O. No. 11988 and other flood plain regulations are to avoid the adverse effects of occupying and modifying the flood plain and to avoid direct and indirect support of development in the flood plain. The order requires that activities not be located in the flood plain unless it is the only practicable alternative. Activities which must be located in the flood plain must incorporate measures to: (1) reduce the hazard and risk associated with floods, (2) minimize the adverse effects on human health, safety, and welfare; and (3) restore and preserve the natural and beneficial values of the flood plain.

? The proposed bridge replacement construction may cause an increase in water surface elevation (surcharge). Considerations should be made for temporary encroachment of the flood plain during construction. Federal Emergency Management Agency (FEMA) regulations require that the surcharge not increase more than 1.0 foot. It is also suggested that the state and local resources agencies be contacted as some states and local governments have more stringent surcharge requirements than FEMA.

- 2 -

If you have any questions on this matter, please call me or my action officer, Mr. Stephen S. Israel, at (410) 962-0685.

Sincerely,


Larry J. Lower
Chief, Environmental Resources

Enclosures



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
WILLIAM S. MOORHEAD FEDERAL BUILDING
1000 LIBERTY AVENUE
PITTSBURGH, PA 15222-4186
August 9, 1996

NORSE
RECEIVED
AUG 12 1996

Regulatory Branch

ROADWAY DESIGN DIVISION
WV DIVISION OF HIGHWAYS

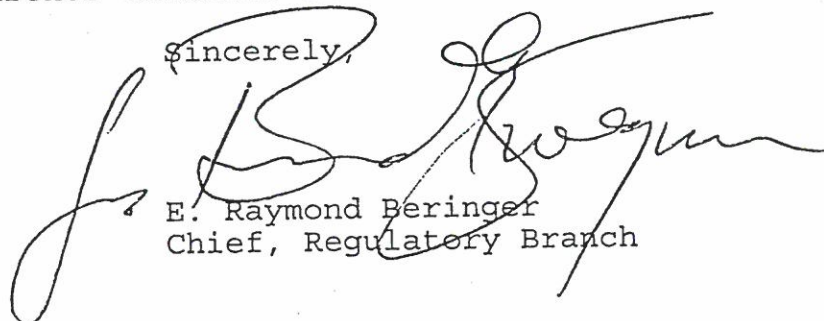
Mr. Randolph T. Epperly, Jr.
Director, Roadway Design Division
West Virginia Department of Transportation
Division of Highways
1900 Kanawha Boulevard East
Building Five, Room 109
Charleston, West Virginia 25305-0430

Dear Mr. Epperly:

I refer to the letter of July 10, 1996 requesting comments on the Agency Scoping Package for the improvement of US Route 340 from the Virginia line to Charlestown, Jefferson County, West Virginia.

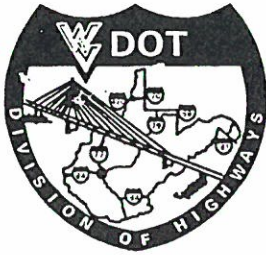
We have reviewed the Agency Scoping Package for the U.S. 340 Improvement Study and have filled out the check-off sheet of DEIS issues. We have no further concerns or comments at this time.

Sincerely,



E. Raymond Beringer
Chief, Regulatory Branch

Enclosure



US 340 IMPROVEMENT STUDY

SCOPING PACKAGE

DEIS ISSUES

PRIMARY EMPHASIS	SECONDARY EMPHASIS	POSSIBLE ISSUES
		Purpose and Need For Action
		Affected Environment
		Environmental Consequences
	✓	• Land Use Impacts
	✓	• Farmland Impacts
✓		• Social Impacts
✓		• Relocation Impacts
	✓	• Utilities and Services
✓		• Economic Impacts
	✓	• Air Quality Impacts
	✓	• Noise Impacts
	✓	• Water Quality Impacts
✓		• Permits
✓		• Wetland Impacts
✓		• Water Body Modification Impacts
	✓	• Wildlife Impacts (Aquatic/Terrestrial)
	✓	• Vegetation Impacts
✓		• Floodplain Impacts
✓		• Wild and Scenic Rivers
✓		• Threatened and Endangered Species
	✓	• Historic and Archaeological Impacts
✓		• Hazardous Waste Sites
	✓	• Visual Impacts
	✓	• Energy
	✓	• Secondary and Cumulative Impacts
	✓	• Construction Impacts
		Comments and Coordination

DNR
West Virginia
Division of
Natural Resources

CHARLES B. FELTON, JR.
Director

PARKS & RECREATION
State Capitol Complex
Building 3, Room 714
Charleston, West Virginia 25305-0662

TELEPHONE: (304) 558-2764 • FAX: (304) 558-0077

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GASTON CAPERTON
Governor

Administration (304) 558-3315 (304) 558-2768	Law Enforcement (304) 558-2783 FAX (304) 558-1170	Parks and Recreation (304) 558-2764 FAX (304) 558-0077	Wildlife Resources (304) 558-2771 FAX (304) 558-3147	Conservation Education and Litter Control (304) 558-3370 FAX (304) 558-2768	Public Information (304) 558-3380 FAX (304) 558-2768	Real Estate Management (304) 558-3225 FAX (304) 558-3680	Wonderful West Virginia Magazine (304) 558-9152 FAX (304) 558-2768
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August 19, 1996

Mr. Randolph T. Epperly, Jr.
Director
Roadway Design Division
Division of Highways
Bldg. 5, Room A-430
1900 Kanawha Boulevard, East
Charleston, WV 25305 -0430

RECEIVED
AUG 21 1996


ROADWAY DESIGN DIVISION
WV DIVISION OF HIGHWAYS

Re: U. S. Route 340
Virginia Line through Charles Town

Dear Mr. Epperly:

The U. S. 340 agency scoping package has been reviewed. The proposed project does not directly affect any area operated or maintained by the Division of Natural Resources, Parks and Recreation. However, DNR, Parks and Recreation is always supportive of any efforts to improve West Virginia's highway system since these improvements will make our state parks more accessible to the public.

Sincerely yours,


Stephen DeBarr, P.E., Assistant Chief
Planning, Engineering, and Maintenance

SD/gk

cc: Cordie Hudkins, Chief
Ken Caplinger, Deputy Chief

EXHIBIT B-53p.1

 **West Virginia
Make It Shine**

Jefferson 340



United States Department of the Interior

FISH AND WILDLIFE SERVICE

TAKE
PRIDE IN
AMERICA

RECEIVED
SEP 03 1996

W. VA. DEPT. OF HIGHWAYS
CHIEF ENGINEER DEVELOPMENT

West Virginia Field Office
Post Office Box 1278
Elkins, West Virginia 26241

August 29,

RECEIVED
SEP 4 1996

DV (Hm) HD Handle
9/3/96

Worksheet
9/3

RECEIVED
SEP 03 1996

Mr. Fred VanKirk, Secretary
Commissioner of Highways
West Virginia Department of Transportation
1900 Kanawha Boulevard, East
Building Five, Room 109
Charleston, West Virginia 25305-0430

ROADWAY DESIGN DIVISION
WV DIVISION OF HIGHWAYS

DIVISION OF HIGHWAYS
CORRESPONDENCE &
CENTRAL FILES

Dear Mr. VanKirk:

This responds to your request for comments concerning the US 340 Agency Scoping Package. The West Virginia Department of Transportation, Division of Highways, is preparing an Environmental Impact Statement for approximately 6.8 km (4.25 miles) of improvements to US 340 in Jefferson County, West Virginia.

Except for occasional transient species, no federally listed or proposed threatened or endangered species under our jurisdiction are known to exist in the project impact area. Two nest sites for the migrant loggerhead shrike (Lanius ludovicianus), a species of concern, are located in the general vicinity of the study area. One site is located approximately 1.7 miles west of Rippon. The preferred habitat of the shrike is open land adjacent to brushy areas or thickets. Shrikes are predatory and hunt from perches and impale their prey on sharp objects such as thorns and barbed-wire fences. Habitat loss has been identified as a major cause of the widespread decline in this species. A survey of the study area should be conducted during late spring and summer to determine if shrikes utilize the area.

The project has the potential to traverse numerous wetlands adjacent to Long Marsh Run and Bullskin Run. Wetlands are important natural resources providing benefits such as; fish and wildlife habitat, water quality improvement, flood damage reduction, erosion control, and hunting and fishing opportunities. Wetlands play an important role in maintaining the quality of natural environment by purifying natural waters by removing nutrients, chemical and organic pollutants, and sediment, and by producing food for aquatic life. Wetlands work in concert with other natural resources as a part of a complex, integrated system. They provide breeding, feeding, resting and

escape habitat for wildlife and for waterfowl and other migratory birds. They play a significant role in maintaining wildlife and plant diversity and are required by many types of wildlife and plants for survival.

Wetlands are under increasing pressure for development as our population grows. Between the mid-1950's and mid-1970's, the mid-Atlantic region lost about 133,000 acres of vegetated wetlands. Because wetlands are important, the federal government regulates various wetland uses, especially deposition of fill.

Effort should be made to avoid wetland impacts associated with this project. Avoidance of long- and short-term adverse impacts associated with the destruction of wetlands and avoidance of direct or indirect support of new construction in wetlands is encouraged whenever there is a practicable alternative. No discharge of dredged or fill material should be proposed if there is a practicable alternative which would have less adverse impact on the aquatic ecosystem.

The U.S. Fish and Wildlife Service has prepared national wetland inventory (NWI) maps on 7-1/2 minute quadrangles for your study corridor. These maps may be acquired from:

National Wetlands Inventory
Attn: National Map Information
U.S. Fish and Wildlife Service
9720 Executive Center Drive
Monroe Building, Suite 101
St. Petersburg, Florida 33702
1-800-USA-MAPS

We understand that an environmental study is being prepared for this project. Primary issues that should be addressed include: wetland, fish and wildlife and floodplain impacts, and purpose and need for the action. We appreciate the opportunity to comment at this stage in the planning process and may, depending on anticipated project impacts, provide additional comments upon review of the study.

Sincerely,

A handwritten signature in cursive script, reading "Christopher M. Clower".

Christopher M. Clower
Supervisor



US 340 IMPROVEMENT STUDY

SCOPING PACKAGE

DEIS ISSUES

PRIMARY EMPHASIS	SECONDARY EMPHASIS	POSSIBLE ISSUES
✓		Purpose and Need For Action
✓		Affected Environment
✓		Environmental Consequences
✓	✓	• Land Use Impacts
	✓	• Farmland Impacts
	✓	• Social Impacts
	✓	• Relocation Impacts
	✓	• Utilities and Services
	✓	• Economic Impacts
	✓	• Air Quality Impacts
	✓	• Noise Impacts
✓		• Water Quality Impacts
✓		• Permits
✓		• Wetland Impacts
✓		• Water Body Modification Impacts
✓		• Wildlife Impacts (Aquatic/Terrestrial)
✓		• Vegetation Impacts
✓		• Floodplain Impacts
		• Wild and Scenic Rivers
✓		• Threatened and Endangered Species
	✓	• Historic and Archaeological Impacts
✓		• Hazardous Waste Sites
	✓	• Visual Impacts
	✓	• Energy
✓		• Secondary and Cumulative Impacts
✓		• Construction Impacts
✓		Comments and Coordination



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107-4431

RECEIVED
AUG 29 1996
SEP 3 1996

Mr. Randolph T. Epperly, Jr.
Director, Roadway Design Division
Division of Highways
Building 5, Room A-430
1900 Kanawha Blvd., East
Charleston, West Virginia 25305-0430

ROADWAY DESIGN DIVISION
WV DIVISION OF HIGHWAYS

Re: Scoping Package for State Project U219-340-0.00 02; Federal Project NH-0340(030)E; US 340- Virginia Line to Charles Town, Jefferson County, West Virginia.

Dear Mr. Epperly:

In accordance with the National Environmental Policy Act and Section 309 of the Clean Air Act, EPA is responding to your invitation to provide written comments on the referenced project. We concur with the use of the Integrated NEPA/404 process for this project and look forward to working with you on this effort.

As you know, the purpose of a NEPA document is to provide a full and fair discussion of significant environmental impacts and to inform the public of reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment. The document is a decision making tool that should be used to determine a preferred alternative and whether to proceed with the proposed project. The DEIS should be a concise, unbiased and analytic evaluation of the needs, alternatives and impacts of the proposed project. At a minimum, the NEPA document should include:

Purpose and Need for Project

Describe the underlying need for the project in detail, including economic, technical, and other reasons for proposing this project. To demonstrate the need for additional highway capacity, the DEIS should show, through maps, figures, and tables, the existing traffic conditions on the areas' roadways. The projected future traffic conditions should also be provided at a comparable level of detail. These figures should include the Average Daily Traffic (ADT), Level of Service (LOS) and accident history.

Alternatives

In the discussion of alternatives, explore and objectively analyze all reasonable alternatives that meet the need for the

project. Alternate sites and various methods of satisfying the purpose and need should be addressed, including alternatives to the selected termini and for placement of the expansion relative to the existing roadway. Include an explanation as to why any reasonable alternative was eliminated from detailed study. Present the alternatives in a form that allows easy comparison, such as a matrix of all alternatives that were considered.

NEPA also requires that the document address the "no action" alternative. This should include the environmental impacts that could be anticipated if the project was not built. Such information will serve as a baseline for comparison with the other alternatives.

Affected Environment

Thoroughly describe all environments, as they are currently maintained, that will be impacted by the proposed activity, including the site area and other areas that might be affected directly or indirectly. Special attention should be paid to natural habitats such as forests and wetlands, parklands, recreational lands, endangered species, air and water quality, floodplains, farmlands, historic and archaeologic sites, and waterways. Discuss the socio-economic and cultural status of the area. Identify any hazardous wastes that would require disposal prior to alteration in land use. The discussions in this section should allow the reader to visualize the quality and type of resource that will be impacted. The greatest level of discussion should be provided to resources that will be most impacted.

Environmental Consequences

Provide a comparative description of the environmental impacts associated with each alternative, including the proposed action, as well as any direct, indirect and cumulative adverse environmental effects that cannot be avoided should the proposal be implemented. This discussion should be analytic rather than encyclopedic.

The description should include commitment of resources involved in the proposed project, possible conflicts between the proposed action and the objectives of Federal, regional, State and local land use plans, and policies for the proposed project area. In addition to the energy requirements of various alternatives, natural resource requirements, urban quality, historic and cultural resources and the means to reduce, conserve and mitigate for adverse impacts to these resources.

All the issues listed within the Scoping Package Checklist should be considered and discussed as appropriate to the project. However, primary emphasis should be placed on the evaluation of resources that have the highest potential to be impacted or where the degree of impact varies between different alternatives. The following is a list of issues that are of particular interest to

the EPA.

*BIODIVERSITY

Evaluate the expected and possible impacts of the proposed activity. Include discussion on alteration of natural habitat and changes in human use of the area, addressing all of the effected environments discussed above. EPA's concerns reflect the results of Region III's Comparative Risk Project which was conducted to determine which of the Region's environmental problems pose the greatest risk to human health, ecology and societal welfare. The highest ranked risk areas are the physical modification of terrestrial and aquatic habitats and non-point source pollution. EPA is concerned about the potential direct and indirect impacts to forested habitats and floodplain wetlands. Long-term analysis of the impacts to these sensitive habitats should be thoroughly addressed in the document.

As stated above, Region III's Comparative Risk Project identified physical modification of terrestrial habitat as posing one of the highest ecological risks in the region. Consequently, EPA has serious concerns about the fragmentation of habitat resulting from destruction of forested tracts of land. EPA believes that evaluation of ecological stress based solely on acreage may underestimate the severity of the impacts. An estimate of acreage lost does not account for ecosystem alterations such as the bisecting of wildlife corridors and migration routes, disrupting of food web interactions or other ecosystem functions that rely on contiguous habitats. If impacts to ecosystems are potentially significant, EPA recommends the completion of a U.S. Fish and Wildlife Habitat Evaluation Procedure to determine the extent of impacts and the appropriate mitigation. In addition, the location of acreage, and type of habitat to be eliminated should be included on a map of sufficient detail.

*THREATENED AND ENDANGERED SPECIES

The project area should be screened for potential State or Federally listed threatened or endangered species. This screening should not only evaluate whether these species are currently present, but should also consider whether any habitats within the project area are suitable to support any threatened or endangered species known to exist in the region.

*WATER QUALITY

The DEIS should discuss potential water quality impacts to surface and groundwater resources in the study area. Any changes in surface or subsurface hydrology resulting from highway construction should be discussed.

Special attention should be paid to the impacts from the two stream crossings that are involved in this project. The DEIS should discuss how the alternatives will affect the chemical

physical and biological characteristics of the streams and should explore options that avoid or minimize potential disruptions to these features.

Highways introduce contaminants including oils, heavy metals, and asbestos into adjacent waters. The DEIS should discuss proposed highway drainage and storm water management options and how contamination of adjacent waters will be prevented and minimized. The potential for accidental spills may increase along the highway corridor. The probability of such incidents should be discussed and potential impacts evaluated. This evaluation should include potential impacts to downstream resources. Alterations to floodplains and erosion potential should be discussed as well.

*MITIGATION

Develop and discuss the mitigation measures that will avoid, reduce, minimize, or compensate for the adverse impacts of the proposed action. Avoidance is the preferred method. This section should include a plan of actions, responsible parties and timing for the mitigation efforts that are intended. This discussion should be specific, rather than generic in nature and should include discussions of actual measures that can and will be implemented throughout the project, rather than merely stating that "best management practices will be employed." The EPA encourages practices such as allowing existing vegetation to remain on portions of the project area, limiting in-stream work, and constructing non-intrusive stream crossings. Every effort should be made to promote coordination with agencies that have special expertise in these areas in order to develop sound mitigation plans. These agencies could include the Fish and Wildlife Service, Department of Natural Resources and the State Historic Preservation Office.

*PERMITS

A discussion of any permits required before commencement of the project should be included in the document. These may include a Section 404/Section 10 permit from the Corps of Engineers, state water quality certification, and local construction and zoning permits. When possible, initiate early coordination efforts with permitting agencies so that permit requirements, including impact avoidance and mitigation methods, can be addressed directly within the document.

*SECONDARY AND CUMULATIVE IMPACTS

Address secondary and cumulative impacts of the project, such as related projects in the area, needed support facilities, expanded utilities, increased traffic or usage, and possible effects on the local economy. Indirect/Secondary Impacts are defined as impacts that are likely to occur later in time or in a different location as a result of a proposed action. Identifying secondary

impacts requires the establishment of indirect cause-effect relationships between the proposed action and the secondary impacts. All factors influencing where development will occur should be included in the analysis. Examples: impacts from induced development, changes in property values, changes in zoning, etc.

Cumulative effects are defined as resulting "from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." 40 CFR §1508.7 Assessing cumulative effects is a broad regional approach to environmental impact assessment. The objective of assessing cumulative effects is to measure the effects of multiple sources upon multiple environment components over time, taking into consideration the interaction among inputs to the environment.

*WETLANDS

The document must analyze the size and functional values of all wetlands impacted either directly or indirectly by this project. This evaluation should be conducted by a qualified individual using the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1987). The DEIS should include a map which identifies all Waters of the United States, including wetlands, for the entire study corridor.

Impacts to wetlands should be avoided or minimized to the maximum extent practicable. Adherence to the Section 404 (b) (1) Guidelines (40 CFR 230.10 (a) - (d)) is required. Should impacts be unavoidable, the document should develop compensation plans for any filled wetlands, with replacement done on an in-kind, on-site basis if possible. A permit from the U.S. Army Corps of Engineers (COE) is required prior to filling any wetlands and other waters of the United States.

*AIR QUALITY AND NOISE IMPACTS

All appropriate air quality and noise impact analyses should be conducted. The noise impact analysis should include any future developments that are projected and currently approved.

*ENVIRONMENTAL JUSTICE

An area of special concern to the EPA is Environmental Justice. Environmental Justice has been defined in Region III as the "implementation and enforcement of environmental laws and regulations, and applications of special programs and initiatives in a manner which ensures equal protection of ALL communities, ethnic groups, minority groups, age groups, gender and income groups, who have been generally found to reside in areas of higher pollutant impact." EPA suggest that a discussion of

environmental justice issues relating to the proposed action be included in the NEPA document to address environmental justice issues in the decision making process, where appropriate.

Consultations

Any letters from agencies such as the US Fish and Wildlife Service (FWS) that have been formally consulted regarding possible effects of the project, or any comments received regarding the project should be included in the document. Included in this should be any letters as a result of FWS, COE and EPA consultations regarding any wetlands or threatened and endangered species potentially affected by the project. Letters that include correspondence with the State Historic Preservation Officer to determine if the project will affect any historic or archaeological sites should also be included. In addition, it may be appropriate to consult other state and federal agencies such as State Natural Heritage Offices.

During the scoping process, the FHWA should file a Notice of Intent to Prepare a document in the Federal Register and contact all interested parties, including the public. Additionally, contact should be made with the Regulatory Branch of the COE concerning NEPA requirements for permit issuance. COE, Regulatory Branch, and the EPA should be considered for the role of a Cooperating Agency, as defined by the Council On Environmental Quality regulations.

Appendices or Technical Information

Any information that is relevant to the determination of the environmental impacts and need of the project should either be included in the Appendices or referred to in the document. If information such as additional volumes, plates, reports or other forms of documentation is referred to, a discussion on how to obtain these documents should be included.

Public Involvement

The NEPA process encourages public involvement. With this in mind, efforts should be made to contact residents, businesses and land owners who will be affected by the proposed project. Their specific concerns should be determined early on and then addressed directly within the DEIS. The document should be written in such a manner that is easily understood by the local population and should be organized so that information can be quickly located. Tables, charts, graphs, maps, indexes, and common language should be utilized to the extent possible in order to facilitate the understanding and support of the affected community.

We appreciate the opportunity to participate in your DEIS scoping efforts and encourage your continued coordination with our agency

throughout this effort. As more detailed, site-specific information or alternatives to be evaluated become available, you may contact us for further assistance in focusing your DEIS efforts. Should you need to reach us, please contact Barbara Douglas at (215) 566-2707.

Sincerely,

Barbara Douglas

Barbara Douglas,
NEPA Project Review



FIXED
LOCK NER
10/30

GASTON CAPERTON
GOVERNOR

DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street East
Charleston, WV 25311-2599

LAIDLEY ELI MCCOY, PH.D.
DIRECTOR

October 22, 1996

Mr. Randolph T. Epperly, Jr.
WV DOT/DOH
Bldg. 5, Room A-430

via InterDept. Mail

Re: US 340 Improvement Study -
VA State Line to Charles Town
State Project U219-340-0.00 02
Federal Project NH-0340(030)E
Jefferson County

Dear Mr. Epperly:

This letter responds to your agency's letter (October 9, 1996) to Chief Farley accompanying the *Purpose and Need Report* for the above referenced project. The Office of Air Quality appreciates the opportunity to participate in the review process. As noted in our response (July 22, 1996) regarding the related scoping document, the entire project is confined to an area which is presently attainment/unclassifiable for all criteria air pollutants. Therefore, no formal conformity determination is required under the federal transportation conformity rule (40CFR93, Subpart A). The impending DEIS and associated documents should note this.

As we also commented, analyses that meet the NEPA requirements should be sufficient from a local perspective. However, there may be regional air quality impacts on the nearby Baltimore (MD) - Washington (DC) area. These potential impacts on ozone nonattainment areas may justify a more thorough air-quality analysis than would routinely be performed. If you have any questions or need more information, please feel free to contact me at 558-1217.

Sincerely,

William Frederick Durham
Transportation Conformity Contact

Office of Air Quality, Air Programs and Planning Section
Phone: (304) 558-1213 Fax: (304) 558-1222



DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
WILLIAM S. MOORHEAD FEDERAL BUILDING
1000 LIBERTY AVENUE
PITTSBURGH, PA 15222-4186

DN (END) - Please
handle

ku
11/12/96

REPLY TO
ATTENTION OF
W. VA. DEPT. OF HIGHWAYS
CHIEF ENGINEER DEVELOPMENT

November 7, 1996

Operations and Readiness Division
Regulatory Branch
199660893

RECEIVED
NOV 12 1996

ROADWAY DESIGN DIVISION
W. VA. DIV. OF HIGHWAYS

Mr. Norman Roush, Chief
Engineer-Development
West Virginia Department of
Transportation
1900 Kanawha Boulevard East
Building Five, Room 109
Charleston, West Virginia 25305-0430

Dear Mr. Roush:

I refer to the Purpose and Need document for the proposed US Route 340 improvement project, Virginia State Line to Charles Town, Jefferson County, West Virginia received in this office on October 15, 1996.

We have reviewed the summary of findings and project data submitted for this project and agree that significant safety deficiencies exist along the 4.5 mile project segment. It is apparent that the roadway deficiencies help to contribute to the numerous accidents which have occurred within the past three years.

Based on the combination of the existing roadway capacity, deficiencies, and the future travel demands anticipated, we concur with the findings of the Purpose and Need Report for this project and recognize the need for this upgrade.

If you have any questions, please contact Mr. Richard Sobol at 412-644-6885.

Sincerely,

E. Ray Beringer

E. Raymond Beringer
Chief, Regulatory Branch



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

November 20, 1996

RECEIVED
DEC - 2 1996

Planning Division

Mr. Ben Hark
Environmental Services Section
West Virginia Department of Transportation
Department of Highways
1900 Kanawha Boulevard East
Building Five, Room 109
Charleston, West Virginia 25305-0430

ROADWAY DESIGN DIVISION
W. VA. DIV. OF HIGHWAYS

Dear Mr. Hark:

I am providing a response to your request for Baltimore District's comments on the US Route 340 Improvement Study. The comments provided below address the Corps of Engineers' (Corps') areas of concern, including direct and indirect impacts on existing and/or proposed Corps projects, flood control hazard potential, and regulatory requirements under Section 404 of the Clean Water Act.

Based upon our review of the information provided, there are no existing or proposed Corps projects that would be affected by the Route 340 improvements.

In accordance with the referenced document, portions of the proposed US Route 340 Road Improvements will be located within the flood plain. New construction or major improvements within the flood plain requires full compliance with Executive Order (E.O.) No. 11988, May 24, 1977, Flood Plain Management; Federal Emergency Management Agency regulations (FEMA); and other Federal, state, and local flood plain regulations. The objectives of the E.O. No. 11988 and other flood plain regulations are to avoid the adverse effects of occupying and modifying the flood plain and to avoid direct and indirect support of development in the flood plain. The order requires that activities not be located in the flood plain unless this would be the only practicable alternative. Activities that must be located in the flood plain must incorporate measures to (1) reduce the hazard and risk associated with floods; (2) minimize the adverse effects on human health, safety, and welfare; and (3) restore and preserve the natural and beneficial values of the flood plain.

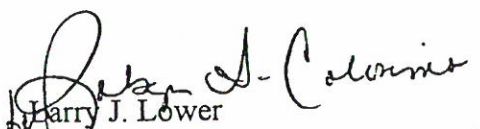
The proposed construction may cause an increase in water surface elevation (surcharge). FEMA regulations require that the surcharge not increase more than 1.0 foot. It is also suggested that the state and local resource agencies be contacted, as some states and local governments have more stringent surcharge requirements than FEMA.

- 2 -

Certain activities in the waters of the United States, and jurisdictional wetlands, require Department of the Army permits from the Corps of Engineers. Corps regulations [33 CFR 320 through 330 and 33 CFR 230 and 325 (Appendix B)] require full compliance with the National Environmental Policy Act (NEPA) of 1969 during the review and evaluation of permit applications. To the maximum extent possible, the Corps will accept the information presented in NEPA documents for evaluating permit applications. This project is located within the Pittsburgh District. My staff has contacted this office and has determined that the Pittsburgh District will be providing comments with respect to the Corps' regulatory requirements. If you have any questions or need additional information on regulatory requirements, the point of contact is Mr. Ray Berringer, Chief, Regulatory Branch, Pittsburgh District, at (412) 644-4204.

If you have any questions on this matter, please call me or my action officer, Ms. Andrea E. Walker, at (410) 962-3027.

Sincerely,


Harry J. Lower
Chief, Planning and Environmental
Services

CF:
CEORP-OR-R, Ray Berringer



WEST VIRGINIA DIVISION OF
CULTURE AND HISTORY

DV (ENV) - Please
handle
12/2/96

RECEIVED
NOV 26 1996

November 21, 1996

Mr. Norman Roush
Dept. of Transportation
Building 5, Room 109
Capitol Complex
Charleston, WV 25305

W. VA. DEPT. OF HIGHWAYS
CHIEF ENGINEER DEVELOPMENT

RE: US 340 - Virginia Line to Charles Town
State Project U219-340-0.00 02
FR: 96-814-JF

Dear Mr. Roush,

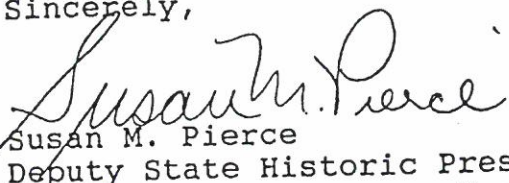
We have reviewed the following document: "Purpose and Need Report: US 340 Improvement Study". In accordance with Section 106 of the National Historic Preservation Act, we submit our comments on the above referenced project.

According to your study, high accident rates and other issues necessitates the need to improving US Route 340 between the Virginia State line and the existing four-lane section of the Charlestown Bypass.

If this project proceeds, a Phase I Archaeological and Architectural survey must be conducted in the study area to determine the locations of significant cultural resources.

We appreciate the opportunity to be of service. If you have any questions, please contact Patrick Trader, Senior Archaeologist.

Sincerely,


Susan M. Pierce
Deputy State Historic Preservation
Officer for Resource Protection

SMP:PDT

RECEIVED
DEC 2 1996
ROADWAY DESIGN DIVISION
W. VA. DIV. OF HIGHWAYS

RECEIVED

W. VA. DEPT. OF HIGHWAYS
CHIEF ENGINEER DEVELOPMENT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

841 Chestnut Building
Philadelphia, Pennsylvania 19107-4431

JAN 23 1997

DV(ENV) Please
handle re
1/28/97

Mr. Norman H. Roush
Chief Engineer-Development
WVDOT, Division of Highways
1900 Kanawha Blvd. East
Bldg. 5, Room 109
Charleston, WV 25305-0430

Re: U.S. 340 Improvement Study, Jefferson County, West Virginia,
Purpose and Need Report

Dear Mr. Roush:

Thank you for the opportunity to review and comment on the purpose and need document for the above referenced project. We apologize for the lateness of our comments.

The Environmental Protection Agency has not identified any omissions or concerns at this time and concur on the purpose and need for this project unless new information becomes available that may affect this decision. We look forward to working with you to avoid or minimize any potential environmental impacts associated with the proposed project as it moves to the next step in the planning process.

You can contact Marria O'Malley Walsh at (717) 628-9685 if you have any questions.

Sincerely,

RECEIVED

JAN 28 1997

ROADWAY DESIGN DIVISION
W. VA. DIV. OF HIGHWAYS



John Forren, Program Manager
Environmental Assessment &
Regulatory Review

DNR

West Virginia
Division of
Natural Resources

RECEIVED

Parks and Recreation
State Capitol Complex
Building 3
Charleston, West Virginia 25305
Telephone (304) 558-2764
Fax (304) 558-0077

APR 15 1997



CECIL H. UNDERWOOD
Governor

Equal Opportunity Employer

Administration (304) 558-3315 FAX (304) 558-2768	Law Enforcement (304) 558-2783 FAX (304) 558-1170	ROADWAY DESIGN DIVISION W. Parks Div. OF HIGHWAYS Recreation (304) 558-2764 FAX (304) 558-0077	Wildlife Resources (304) 558-2771 FAX (304) 558-3147	Conservation Education and Litter Control (304) 558-3370 FAX (304) 558-2768	Public Information (304) 558-3380 FAX (304) 558-2768	Real Estate Management (304) 558-3225 FAX (304) 558-3680	Wonderful West Virginia Magazine (304) 558-9152 FAX (304) 558-2768
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April 10, 1997

APR 11 1997

DV - Please handle
KC
4/14/97

W. VA. DEPT. OF HIGHWAYS
Mr. Leonard H. Roush
Chief Engineer, Development
WV Division of Transportation
Division of Highways
1900 Kanawha Boulevard, East
Building 5, Room 109
Charleston, WV 25305-0430

Re: U.S. 340 Virginia Line to Charles Town
Jefferson County

Dear Mr. Roush:

The Alternatives' Report for the subject project has been reviewed. This project does not directly affect any areas operated by the Division of Natural Resources, Parks and Recreation Section. However, we are always supportive of improvements to West Virginia's highway system because it is felt that these improvements will make it easier for tourists to visit our state parks.

Sincerely yours,

Stephen DeBarr

Stephen DeBarr, P.E., Assistant Chief
Planning, Engineering, and Maintenance

SD/gk

cc: Cordie Hudkins, Chief





6-29

GASTON CAPERTON
GOVERNOR

DIVISION OF ENVIRONMENTAL PROTECTION

1558 Washington Street East
Charleston, WV 25311-2599

LAIDLEY ELI MCCOY, PH.D.
DIRECTOR

April 11, 1997

RECEIVED
APR 11 1997

Mr. Randolph T. Epperly, Jr.
WV DOT/DOH
Bldg. 5, Room A-430

via InterDept. Mail

ROADWAY DESIGN DIVISION
W. VA. DIV. OF HIGHWAYS

Re: US 340 Improvements Alternatives Report
VA State Line to Charles Town
State Project U219-340-0.00 02
Federal Project NH-0340(030)E
Jefferson County

Dear Mr. Epperly:

This letter responds to your agency's letter (April 4, 1997) to Chief Farley accompanying the *Alternatives Report* for the above referenced project. The Office of Air Quality appreciates the opportunity to continue participation in the review process. As noted in our responses (July 22, 1996 & October 22, 1996) regarding other related documents, the entire project is confined to an area which is presently attainment/unclassifiable for all criteria air pollutants. Therefore, no formal conformity determination is required under the federal transportation conformity rule (40CFR93, Subpart A). The impending DEIS and associated documents should note this.

As we also commented, analyses that meet the NEPA requirements should be sufficient from a local perspective. However, there may be regional air quality impacts on the nearby Baltimore (MD) - Washington (DC) area. These potential impacts on ozone nonattainment areas may justify a more thorough air-quality analysis than would routinely be performed. If you have any questions or need more information, please feel free to contact me at 558-1217.

Sincerely,

William Frederick Durham
Transportation Conformity Contact

Office of Air Quality, Air Programs and Planning Section

Phone: (304) 558-1213 Fax: (304) 558-1222



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

841 Chestnut Building
Philadelphia, Pennsylvania 19107-4431

W. VA. DEPT. OF HIGHWAYS
CHIEF ENGINEER DEVELOPMENT

MAY 14 1997

RECEIVED
MAY 13 1997

ROADWAY DESIGN DIVISION
W. VA. DIV. OF HIGHWAYS

Mr. Norman H. Roush
Chief Engineer-Development
WVDOT, Division of Highways
1900 Kanawha Blvd. East
Bldg. 5, Room 109
Charleston, WV 25305-0430

RE: US 340, Virginia Line to Charles Town, Jefferson County,
WV., Alternatives Report

Dear Mr. Roush:

Thank you for the opportunity to review and comment on the alternatives report for the above referenced project. The West Virginia Department of Transportation has proposed five build alternatives that will meet the project purpose and need to improve 4.5 miles of US 340 to address capacity and safety deficiencies.

Our review has determined that a wide range of practicable and feasible alternatives was considered. The alternatives study considered Transportation Systems Management (TSM), Mass Transit, No Build and Build Alternatives. The TSM, Mass Transit and No Build alternatives will not meet the needs of the project and were eliminated from further consideration. The No Build alternative will be retained as a baseline for comparison of potential impacts. The Build alternative includes the construction of a controlled access four-lane divided highway with a depressed median. Seven different build alternatives were developed to utilize available right of way, to reduce impacts to adjacent property owners, and maintain an orderly flow of traffic during project construction. Evaluation and analyses resulted in the elimination of two of the Build alternatives. The remaining five Build alternatives will be retained for further analyses.

Although the report summarizes the projected costs and the residential and commercial relocations and acquisitions due to the various Build alternatives it does not address the potential impacts, if any, to natural resources. We are concerned that the lack of this information has limited our ability to evaluate the proposed Build alternatives. EPA cannot concur on the alternatives report until we receive this information for evaluation. The Draft Environmental Impact Statement (DEIS) that is developed for this project must full address both the potential direct and secondary environmental impacts that may be

expected to occur for each Build alternative. Impacts to natural resources must be avoided to the greatest extent possible and mitigation measures developed where impacts are deemed unavoidable.

Please contact Marria O'Malley Walsh at (717) 628-9685 if you have any questions regarding our comments.

Sincerely,

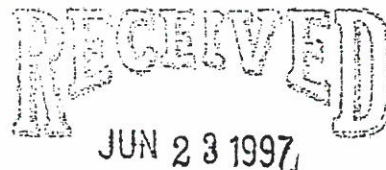
A handwritten signature in black ink, appearing to read 'John Forren', with a stylized flourish extending to the right.

John Forren, Program Manager
NEPA & Wetlands Regulatory Review



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
W. VA. DEPT. OF HIGHWAYS
CHIEF ENGINEER DEVELOPMENT 841 Chestnut Building
Philadelphia, Pennsylvania 19107-4431

JUN 19 1997



Mr. Norman H. Roush
Chief Engineer Development
WVDOT, Division of highways
1900 Kanawha Blvd. East
Bldg. 5, Room 109
Charleston, WV 25305-0430

ROADWAY DESIGN DIVISION
W. VA. DIV. OF HIGHWAYS

RE: US 340, Virginia Line to Charles Town, Jefferson County, WV, Alternatives Report

Dear Mr. Roush:

We have received preliminary information on the potential impacts to natural resources from the above referenced project as requested. This information states that technical reports addressing the potential direct and cumulative impacts to natural resources, cultural resources, air quality, noise and the visual environment for each Build alternative will be provided for comment prior to publication of the Draft Environmental Impact Statement (DEIS) for the project.

EPA concurs with the Alternatives Report based on the general information provided and the future availability of technical reports that will contain detailed evaluations of the five build alternatives on the natural and human environment. Consideration of including environmental information to the level of detail, such as that contained in the Alternatives Report for US 340, in developing future alternatives reports is encouraged, especially if technical reports are not prepared prior to publication of the DEIS. Your intent to prepare such technical documents could also be referred to in the alternatives reports.

Thank you for your response to our comment letter. Please contact Marria O'Malley Walsh at (717) 628-9685 if you have any questions.

Sincerely,

Roy E. Denmark, Jr., Deputy Chief
Environmental Programs Branch

cc: Greg Akers, WVDOT



DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
WILLIAM S. MOORHEAD FEDERAL BUILDING
1000 LIBERTY AVENUE
PITTSBURGH, PA 15222-4186

REPLY TO
ATTENTION OF:

July 8, 1997

Operations and Readiness Division
Regulatory Branch
199701151

RECEIVED
JUL 11 1997
ROADWAY DESIGN DIVISION
W. VA. DIV. OF HIGHWAYS

Mr. Ben Hark, Chief Environmental Services
West Virginia Department of Transportation
1900 Kanawha Blvd. East
Building Five, Room 109
Charleston, West Virginia 25305-0440

Dear Mr. Hark:

I refer to the U.S. 340 Improvement Study Alternatives Report of February 1997 regarding highway improvement from 0.5 miles beyond the Virginia state line to the Charlestown Bypass, located north of Rippon in Jefferson County, West Virginia.

We have reviewed your alternatives analysis and essentially concur with the issues addressed in the alternatives report. However, to be in full compliance with the NEPA/Section 404 process, it is essential that impacts to waterways, wetlands and floodplains be fully addressed prior to the selection of the preferred alternative.

If you have any questions, please contact Richard Sobol at (412) 395-7153.

Sincerely,

Albert H. Rogalla
Chief, Regulatory Branch



WEST VIRGINIA DIVISION OF
CULTURE AND HISTORY

February 17, 1999

Mr. James Sothen
Division of Highways
Building 5, Room 109
Capitol Complex
Charleston, WV 25305

RECEIVED
FEB 26 1999
ENGINEERING DIVISION
WV DOH

RE: Route 340 - Archaeological Assessment and
Archaeological Predictive Model
FR: 96-814-JF

Dear Mr. Sothen,

We have reviewed the following documents: "Phase I Cultural Resource Investigation Architectural Survey and Archaeological Assessment, Proposed Improvements to US 340 Jefferson County, West Virginia" and the "Predictive Model Addendum". In accordance with Section 106 of the National Historic Preservation Act, we submit our comments on the above referenced project.

Overall, we find both documents acceptable and the Archaeological Predictive Model to be thorough and comprehensive. We look forward to reviewing the results of the predictive model testing.

We appreciate the opportunity to be of service. If you have any questions, please contact Patrick Trader, Senior Archaeologist.

Sincerely,

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP:PDT

THE CULTURAL CENTER • 1900 KANAWHA BOULEVARD, EAST • CHARLESTON, WEST VIRGINIA 25305-0300
TELEPHONE 304-558-0220 • FAX 304-558-2779 • TDD 304-558-3562
EEO/AA EMPLOYER



WEST VIRGINIA DIVISION OF
CULTURE AND HISTORY

November 23, 1999

RECEIVED

NOV 30 1999

ENGINEERING DIVISION
WV DOH

Mr. James Sothen
Division of Highways
Building 5, Room 110
Capitol Complex
Charleston, WV 25305

RE: US 340, VA Line to Charles Town
State Project U219-340-0300(02)
FR#: 96-814-JF-6

Dear Mr. Sothen:

We have reviewed the archaeological sample survey report for the above mentioned project. As required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

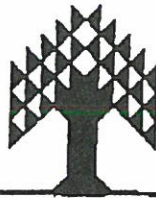
The report satisfactorily addresses our concerns regarding the presence of cultural resources within the project area. 46Jf300 and 305, both prehistoric isolates, do not exhibit the potential for further significant discovery, and as such are not eligible for inclusion in the National Register of Historic Places. 46Jf206, a mixed prehistoric and historic site, also contains no further potential and is not eligible for inclusion in the Register. No further investigation of these sites is necessary. We concur with the consultant's recommendation that sites 46Jf301, 302, 303, and 304 exhibit the potential to provide further information regarding early historic settlement in the project area. Phase II investigation must be performed in order to determine eligibility if these sites are to be impacted by construction activity.

We appreciate the opportunity to be of service. If you have questions regarding our comments or the Section 106 process, please call Joanna Wilson, Senior Archaeologist, at (304) 558-0220, Ext. 146.

Sincerely,

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP:jlw



WEST VIRGINIA DIVISION OF
CULTURE AND HISTORY

December 7, 1999

Mr. James Sothen
Division of Highways
Building 5, Room 110
Capitol Complex
Charleston, WV 25305

RECEIVED

DEC 14 1999

ENGINEERING DIVISION
WV DOH

RE: US 340, VA Line to Charles Town
State project U219-340-0300(02)
FR#: 96-814-JF

Dear Mr. Sothen:

As requested, we have reviewed the consultant's conclusions as found in the archaeological sample survey report for the above mentioned project. We concur with the recommendation that medium and high probability areas be surveyed of the Preferred Alternative. We add the recommendation that those portions of the low probability areas not previously disturbed or located on steep slopes be visually surveyed and shovel tested if necessary. As the discussion of the predictive model asserts, there has been very little organized examination of this portion of Jefferson County, and the US 340 project presents an excellent opportunity to remedy this oversight.

We appreciate the opportunity to be of service. If you have questions regarding our comments or the Section 106 process, please call Joanna Wilson, Senior Archaeologist, at (304) 558-0220 extension 146.

Sincerely,

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP:jlw



**WEST VIRGINIA DIVISION OF
CULTURE AND HISTORY**

January 7, 2000

Mr. James Sothen
Division of Highways
Building 5, Room 110
Capitol Complex
Charleston, WV 25305

RE: US 340, VA Line to Charles Town
State Project U219-340-0300(02)
FR#: 96-814-JF-8

Dear Mr. Sothen:

We have reviewed the two volume Architectural Evaluation report for the above mentioned project. As required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

The proposed project involves road improvements along U.S. Route 340 in Jefferson County. The project area extends approximately 4.8 miles from the Virginia state line to the existing four-lane section of the Charles Town bypass north of the community of Rippon. The undertaking includes the development of a four-lane depressed median facility with partially controlled access. The Area of Potential Effect (APE) for the purpose of this report is approximately one mile wide, extending to the Norfolk and Western Railroad on the west.

The study area involved encompasses one of the region's most picturesque and culturally rich landscapes. The period of significance for the subject locale spans three centuries, from early settlement after the French and Indian War to the end of the historic era in 1950. Additionally, the resources contained in the project area exhibit an extremely high degree of integrity and stand out as some of the most well preserved historic features in the state. The resources identified by Coastal Carolina Research as being eligible for inclusion in the National Register include two historic districts and eight individual buildings. Our evaluation of the National Register eligibility of all surveyed properties associated with the U.S. Route 340 project follows.

Kabletown Rural Historic District: The Kabletown Rural Historic District encompasses approximately 18 square miles (11,520 acres) bordered roughly by the West Virginia/Virginia state line on the south, the western bank of the Shenandoah River on the east, and the Kabletown Magisterial District line on the north. The district contains remarkably intact landscape and

THE CULTURAL CENTER • 1900 KANAWHA BOULEVARD, EAST • CHARLESTON, WEST VIRGINIA 25305-0300
TELEPHONE 304-558-0220 • FAX 304-558-2779 • TDD 304-558-3562
EEO/AA EMPLOYER

architectural features dating from circa 1763 to 1950, including the National Register listed William Grubb Farm and Ripon Lodge. Coastal Carolina Research recommends that the Kabletown Rural Historic District is eligible for listing in the National Register under Criterion A for its association with the broad pattern of agricultural history in Jefferson County, and Criterion C for its well preserved architectural collection dating from the eighteenth to the mid-twentieth centuries. We concur with the assessment that the Kabletown Rural Historic District is eligible for the National Register. We also agree with the proposed district's period of significance and demarcation.

Rippon Historic District: The Rippon Historic District was identified by Coastal Carolina Research as potentially eligible for the National Register under Criterion A for its development as a small commercial crossroads community that served the greater agricultural region around it, and Criterion C for its collection of intact mid-nineteenth to early-twentieth century residential, commercial, educational, religious, and social buildings. The suggested period of significance for the Rippon Historic District extends from 1852, when a post office was established there, to the end of the historic period in 1950. The recommended district boundary encompasses all of the unincorporated hamlet of Rippon and is drawn to include the largest concentration of historic buildings. Captured by the boundary are approximately forty contributing and about seven non-contributing resources. We concur that the Rippon Historic District is eligible for the National Register for its association with the development of this small rural commercial center and its architectural merit. Additionally, we agree with the proposed National Register boundary alignment and period of significance.

Straithmore (Resource No. 54): Constructed in 1830, Straithmore illustrates the architectural transition between the Federal and Greek Revival styles. The house and its associated outbuildings sit on 160 acres of land, approximately eighty percent of the original holdings. Straithmore is eligible for the National Register under Criterion C as a fine example of a late-Federal style dwelling. It is also eligible under Criterion A for its association with a nearby mill, one of the earliest in the area. The mill, now in ruins, contributes to the understanding of early industrial activity in rural Jefferson County and dates to circa 1788. The proposed National Register boundary for Straithmore includes the current 160-acre tax parcel that contains the dwelling, a contemporary brick smokehouse, a circa 1900 frame corner crib, and a circa 1900 frame barn; and the 3.37-acre lot containing the deteriorated mill. Also included in the boundary description is the remnants of an intact eighteenth century trace that approaches the mill from the southwest, traverses the farm road east of the mill, and continues north, west of the Straithmore house. Additionally, Straithmore contributes to the Kabletown Rural Historic District. We concur with the eligibility assessment, the proposed period of significance, and the suggested National Register limits.

Abuhove House (Resource No. 53): Originally constructed circa 1800 as the miller's house for Baney's Mill, the Abuhove House is no longer a part of this property. The dwelling has been

significantly altered with the application of vinyl siding, replacement of the original chimney, addition of a new front porch, and a mid-twentieth century 1-storey, 2-bay concrete block wing. Although not individually eligible for the National Register, the Abulove House contributes to the historical understanding of the Kabletown Rural Historic District.

Beulah Presbyterian Church (Resource No. 55): The Beulah Presbyterian Church was built in 1874 as a Union Church that served three denominations: Methodist, Presbyterian, and Lutheran. Since its construction the church has undergone two major alterations. The first was in 1974 when the interior was remodeled to include modern wood paneling. The second alteration occurred in 1997 when the building was re-roofed and the steeple removed. Although not individually eligible, we concur that the Beulah Presbyterian Church is a contributing resource in the proposed Kabletown Rural Historic District.

William Grubb Farm (Resource No. 56): The William Grubb Farm was listed in the National Register of Historic Places in 1991 under Criterion A under the themes of Exploration/Settlement, Agriculture, and Religion; and under Criterion C for Architecture.

Wheatlands (Resource No. 50): The main house at Wheatlands was presumably constructed sometime during the eighteenth century by Henry Smith Turner, but was demolished in the 1960s. All that remains on the property are the house's T-shaped stone foundation, three contemporary outbuildings, the stone ruins of a fourth structure (slave cabin?), and a frame bank barn and corncrib from the early-twentieth century. Wheatlands and the slave cabin ruins are recommended eligible for the National Register under Criterion D for their potential to provide significant information about the domestic aspect of an early nineteenth century plantation complex. The period of significance extends from the time of construction (circa 1798) to the time of Henry S. Turner's death (1834). The recommended National Register boundary encompasses an area three acres in size and includes the main house foundation, the ruins of the outbuilding, and the three extant dependencies. In addition to its individual NR eligibility, Wheatlands is also a contributing resource in the Kabletown Rural Historic District. The demarcation for the property within the district consists of the current tax parcel (111.6 acres) and includes the previously mentioned resources as well as the frame bank barn and corncrib. We concur with the National Register assessment, period of significance, and boundaries for the individual and contributing resource listings.

Byrdland (Resource No. 49): According to historical and architectural evidence, Byrdland was constructed sometime between 1847 and 1852. The property has more than twenty historic outbuildings including three circa 1900 tenant houses and numerous agricultural dependencies. Byrdland is considered eligible for the National Register by Coastal Carolina Research under Criterion A for its association with late nineteenth century agricultural practices and Criterion C for its architectural merit. The suggested period of significance extends from circa 1847 to the end of the historic period in 1950. Coastal Carolina Research recommends that the National

Register boundary encompass the current tax parcel of 402.5 acres. This demarcation would include the main house, all contributing outbuildings, and associated farmland. We concur with the National Register eligibility, period of significance, and boundary recommendation.

Ripon Lodge (Resource No. 48): Ripon Lodge was listed in the National Register in 1984. At the time of the original listing, only twenty-seven acres comprising the main house and associated outbuildings were included in the nomination. In 1998, the National Register boundary was extended to encompass all 194.4 acres historically associated with the farm. The property also contributes to the Kabletown Rural Historic District.

Oak Hill Farm (Resource No. R28): Oak Hill Farm was constructed in 1852 and enlarged circa 1867 with the addition of a tower. Further alterations to the original fabric have occurred and include minor interior changes, a rear shed-roofed screened in porch, an exterior metal spiral staircase, 1/1 replacement windows from the early twentieth century, and the application of stucco to the exterior walls. Due to these alterations, it is not recommended that Oak Hill Farm be individually listed. However, the property is suggested as a contributing resource to both the Kabletown Rural Historic District and the Rippon Historic District. We concur with this assessment.

Fairview Farm (Resource No. 47): Fairview Farm was constructed in the mid-nineteenth century with later additions. It has been altered with the addition of aluminum siding, replacement windows, and side and rear wings. We concur that the Fairview Farm is not eligible for the National Register due to its loss of historic integrity.

Wayside Farm (Resource No. 14): The original portion of Wayside Farm was constructed circa 1816 with later additions occurring circa 1829 (rear wing) and circa 1860 (side two-bay east wing). Wayside is recommended as eligible for the National Register under Criterion C as a relatively unaltered example of the vernacular Federal style. The period of significance extends from circa 1816, when the house was built, to the end of the historic period in 1950. Suggested National Register limits for the resource encompass the current parcel (approximately 15.78 acres) and include all associated outbuildings. Besides being individually eligible, Wayside is also recommended as a contributing resource in the Kabletown Rural Historic District. We concur with the eligibility determination, period of significance, and proposed boundary for Wayside Farm.

Glenwood (Resource No. 12): Constructed in 1845, Glenwood is a well preserved manor house exhibiting an architectural mix of Georgian arrangement, Federal-style exterior formality, and interior Greek Revival detailing. For this reason the dwelling was judged eligible for listing in the National Register of Historic Places under Criterion C. The period of significance extends from 1845 to the end of the historic era in 1950. The recommended National Register boundary encompasses the current tax parcel (25.18 acres) and includes the historic house, the remaining

farmland, and associated outbuildings. We concur with the assessment of National Register eligibility, period of significance, and proposed boundary for Glenwood.

Hackberry (Resource No. 9, formerly called Godfrey-Tiedemann House): Hackberry is a 2-storey, three-bay, frame I-house constructed in 1881. The dwelling has been altered by the application of stucco on its exterior and a circa 1940 1-storey frame kitchen addition. We concur that Hackberry does not meet the National Register criteria for individual listing. It is not associated with any significant event or individual and does not possess sufficient architectural merit. We also agree that the property is not a contributing resource in the Kabletown Rural Historic District. Unlike the farms included within the district boundary, Hackberry historically maintained a relatively small landholding (55 acres) and did not profit greatly from agricultural pursuits.

Olive Boy (Resource No. 7 [139]): The main house at Olive Boy is a T-shaped, gable-front-and-wing plan, Italianate-style, brick dwelling constructed in 1858. Olive Boy is considered eligible for the National Register under Criterion A for its association with the agricultural development of Jefferson County, and Criterion C for its architectural merit. The current sixteen-acre tax parcel is only a fraction of the land historically associated with the plantation. Due to the small tract of land that the resource now occupies, the proposed National Register boundary extends beyond the current legal parcel and more accurately reflects Thomas Isbell's historic holdings. Coastal Carolina Research's recommended National Register demarcation for Olive Boy consists of approximately 183.93 acres comprising the manor house, the Spring Grove Cemetery, the circa 1910 Shady Grove Farm tenant house, agricultural lands, and all outbuildings associated with the property. The resource also contributes to the Kabletown Rural Historic District. We concur with the consultant's National Register determination, period of significance, and suggested NR boundary for Olive Boy.

Balclutha (Resource A): Balclutha, a late Federal-style plantation house, is listed in the National Register of Historic Places. The estate is partially located in Clarke County, Virginia, and partially in Jefferson County, West Virginia. However, the majority of the resources—the house, garage, and meat house—are in Virginia. Only two barns that are currently being dismantled by the owner are located in West Virginia.

Dunn-Jenkins House (Resource No. 10, formerly called the Jenkins House): The Dunn-Jenkins House is a typical circa 1915 vernacular hall-and-parlor house that has been altered with the addition of a rear wing and a glassed in front porch. Additionally, the dwelling's historic setting has been compromised with modern intrusions. We concur that this resource is not eligible for listing in the National Register.

Chapman Tenant House (Resource No. 11): This modest 1 ½-storey vernacular log and frame dwelling is part of the property now owned by Mr. Donald Chapman (see #10). The resource has

been altered with the application of vinyl siding and a modern 1-storey rear addition. We concur that the Chapman Tenant House is not eligible for listing in the National Register of Historic Places.

John's Family Restaurant (Resource No. 8, formerly called John's Diner): According to county tax records, this building was originally constructed as a grocery store in 1944 and later converted into a restaurant. We concur that John's Family Restaurant does not demonstrate the necessary significance to merit its listing in the National Register of Historic Places.

Arthur Allen House 1 (Resource No. 5, formerly called House on Smith Road): The Arthur Allen House 1 was constructed sometime before 1883 (circa 1870?). Coastal Carolina Research concluded that although the resource does not display characteristics that make it individually eligible for the National Register, the Arthur Allen House 1 should be considered as a contributing feature in the Kabletown Rural Historic District. We concur with this assessment.

Arthur Allen House 2 (Resource No. 6, formerly called House on Smith Road): The Arthur Allen House 2 was constructed at the turn of the twentieth century. Coastal Carolina Research concluded that although the resource does not display characteristics that make it individually eligible for the National Register, the Arthur Allen House 2 should be considered as a contributing feature in the Kabletown Rural Historic District. We concur with this assessment.

Edward Allen House (Resource No. 3): The Edward Allen House is a limestone Colonial Revival dwelling constructed in 1927. We concur that the property is not individually eligible for listing in the National Register. Both the architectural style and exterior building material are common for this area. There is no evidence to suggest that the resource is associated with any significant event or individual. We also agree that the Edward Allen House should not be considered a contributing feature in the Kabletown Rural Historic District. Historical records and the lack of any agricultural outbuildings indicate that the house never was associated with farming. This would prohibit its listing within the context of the district.

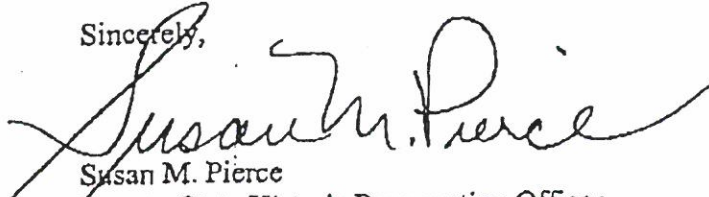
In summary, we concur with the recommendations made in the architectural resources survey report that the Kabletown Rural Historic District and Rippon Historic District are eligible for listing in the National Register of Historic Places. Additionally, eight properties are individually eligible for listing as well as contributing resources in the Kabletown Rural Historic District. These properties are Straithmore, the William Grubb Farm, Wheatlands, Byrdland, Ripon Lodge, Wayside Farm, Glenwood, and Olive Boy. Oak Hill Farm is eligible as contributing to both the Kabletown Rural Historic District and the Rippon Historic District. We agree that the Abuhove House, Beulah Presbyterian Church, Arthur Allen House Number 1, and Arthur Allen House Number 2 are not individually eligible, but contribute to the Kabletown Rural Historic District. Seven structures are not eligible for listing in the National Register either individually or as components of a historic district.

Page 7
January 7, 2000
Mr. James Sothen

We would like to commend Maral Kablian for her thorough work and research in preparing the architectural evaluation report. Her exhaustive efforts to document historic resources within the project area and insightful narrative expedited our review and are greatly appreciated.

We appreciate the opportunity to be of service. If you have questions regarding our comments or the Section 106 process, please contact Marc Holma, Structural Historian, at (304) 558-0220, Ext. 723.

Sincerely,



Susan M. Pierce
Deputy State Historic Preservation Officer

SMP:mh



WEST VIRGINIA DIVISION OF
CULTURE AND HISTORY

March 10, 2000

Mr. James Sothen
Division of Highways
Building 5, Room 110
Capitol Complex
Charleston, WV 25305

RECEIVED
MAR 14 2000
ENGINEERING DIVISION
WV DOH

RE: US 340, VA Line to Charles Town
State Project U219-340-0300(02)
FR#: 96-814-JF-9

Dear Mr. Sothen:

We have reviewed the preliminary Criteria of Effect findings for the above mentioned project. As required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

Architectural Resources:

We have summarized our preliminary determinations of effect for the historic architectural resources located within the U.S. 340 project area in the enclosed table. Please note that these findings are preliminary only and are subject to change once we review the draft Criteria of Effects report. Additionally, we recommend that the Virginia State Historic Preservation Office be consulted regarding the undertaking's impact to the two historic resources located in that jurisdiction. These resources are Balclutha and the Long Marsh Run Rural Historic District. Please note that the map showing impacted resources does not identify the Kabletown Historic District; this is misleading.

The preliminary Criteria of Effect narrative states that Olive Boy Farm is "directly impacted by land acquisition for the conceptual right of way for all five of the build alternatives." As such, DOH rendered a preliminary *Adverse Effect* determination for all build alternatives regarding this resource. Although the enclosed project area map does not appear to support this judgement, we will concur until we have the opportunity to review the additional information presented in the draft Criteria of Effect report.

Archaeological Resources:

Your overview of effects criteria includes discussion of conditions allowing a determination of no adverse effect. The first condition states that such a determination may be made "when the historic property is of value only for its potential contribution to archaeological [or] historic research, and when such value can be substantially preserved through the conduct of appropriate

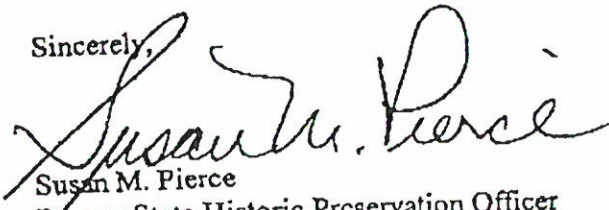
Page 2
March 10, 2000
Mr. James Sothen

research". Please be aware that any damage of or alteration to a property with demonstrated archaeological significance must be termed an *adverse effect* under 36 CFR 800, as amended. Appropriate research may be used in mitigation, but it does not alter the determination.

We will provide comments and recommendations regarding further analysis of archaeological resources within the property upon completion of our review of the Phase I report. If a build alternative is selected as the Preferred Alternative, we will provide recommendations regarding impacts to the Wheatlands Farm archaeological sites, as well as any and all necessary mitigation.

We appreciate the opportunity to be of service. If you have questions regarding our comments or the Section 106 process, please contact Marc Holma, Structural Historian, or Joanna Wilson, Senior Archaeologist, at (304) 558-0220.

Sincerely,

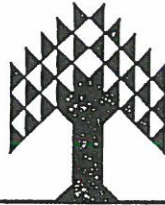


Susan M. Pierce
Deputy State Historic Preservation Officer

SMP:mh/jlw

**TABLE IV-14
PRELIMINARY DETERMINATION OF EFFECT**

Historic Resource	EFFECT BY BUILD ALTERNATE				
	Alternate 1	Alternate 3	Alternate 4	Alternate 5	Alternate 6
Kabletown Rural Historic District	Adverse Effect <i>AE</i>	Adverse Effect <i>AE</i>	Adverse Effect <i>AE</i>	Adverse Effect <i>AE</i>	Adverse Effect <i>AE</i>
Village of Rippon Historic District	No Adverse Effect <i>NAE</i>	No Adverse Effect <i>NAE</i>	Adverse Effect <i>AE</i>	No Adverse Effect <i>NAE</i>	No Effect <i>NAE</i>
Balclutha	No Effect <i>NE</i>	No Effect <i>NE</i>	No Effect <i>NE</i>	No Effect <i>NE</i>	No Effect <i>NAE</i>
Olive Boy Farm	Adverse Effect <i>AE</i>	Adverse Effect <i>AE</i>	Adverse Effect <i>AE</i>	Adverse Effect <i>AE</i>	Adverse Effect <i>AE</i>
Glenwood	No Effect <i>NE</i>	No Effect <i>NE</i>	No Adverse Effect <i>NAE</i>	Adverse Effect <i>AE</i>	No Effect <i>NE</i>
Wayside Farm	No Effect <i>NE</i>	No Effect <i>NE</i>	No Adverse Effect <i>NAE</i>	Adverse Effect <i>AE</i>	No Effect <i>NE</i>
Ripon Lodge	Adverse Effect <i>AE</i>	Adverse Effect <i>AE</i>	No Effect <i>NE</i>	No Effect <i>NE</i>	Adverse Effect <i>AE</i>
Birdland	No Effect <i>NE</i>	Adverse Effect <i>AE</i>	Adverse Effect <i>AE</i>	Adverse Effect <i>AE</i>	No Effect <i>NE</i>
Straithmore	Adverse Effect <i>AE</i>	Adverse Effect <i>AE</i>	Adverse Effect <i>AE</i>	Adverse Effect <i>AE</i>	Adverse Effect <i>AE</i>
William Grubb Farm	No Effect <i>NAE</i>	No Effect <i>NE</i>	No Effect <i>NE</i>	No Effect <i>NE</i>	No Effect <i>NAE</i>



WEST VIRGINIA DIVISION OF
CULTURE AND HISTORY

June 2, 2000

Mr. James Sothen
Division of Highways
Building 5, Room 110
Capitol Complex
Charleston, WV 25305

RECEIVED
JUN 08 2000

ENGINEERING DIVISION
WV DOH

RE: US 340, VA Line to Charles Town
State Project U219-340-0300(02)
FR#: 96-814-JF-10

Dear Mr. Sothen:

We have reviewed the addendum architectural survey report for the above mentioned project. As required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

The West Virginia Division of Highways has extended the project area for the U.S. Route 340 improvements 0.2 mile west of the Norfolk and Western Railroad track. As a result, additional survey work was necessary in order to identify architectural resources fifty years old or older located in the Area of Potential Effect (APE). The current report documents the result of this new survey.

Coastal Carolina Research, Inc. found one resource, the Yates-Butler House (#57), that is fifty years old or older located within the expanded APE. The Yates-Butler House sites on a one acre lot and was constructed circa 1900. This vernacular hall and parlor dwelling has undergone numerous alterations such as the application of aluminum siding, enclosure of the front porch, replacement of the original windows, and addition of a large two-storey shed roof wing. We concur that the Yates-Butler House is not eligible for listing in the National Register of Historic Places due to its loss of historic integrity.

We appreciate the opportunity to be of service. If you have questions regarding our comments or the Section 106 process, please contact Marc Holma, Senior Structural Historian for Review and Compliance, at (304) 558-0220, Ext. 723.

Sincerely,

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP:mh



United States Department of the Interior

FISH AND WILDLIFE SERVICE



West Virginia Field Office
694 Beverly Pike
Elkins, West Virginia 26241

OCT 03 2000

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OCT 04 2000

ENGINEERING DIVISION
WV DOH

Mr. James E. Sothen
West Virginia Department of Transportation
Division of Highways
1900 Kanawha Boulevard East
Building 5, Room 110
Charleston, West Virginia 25305-0430

Dear Mr. Sothen:

The U. S. Fish and Wildlife Service has reviewed the Biological Assessment prepared to determine if construction associated with improvements of US 340 in Jefferson County, West Virginia, will adversely affect the endangered Indiana bat, *Myotis sodalis*. The biological assessment was prepared pursuant to Section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). The West Virginia Department of Transportation (WVDOT) in cooperation with the Federal Highway Administration is proposing to improve US 340 in Jefferson County from the West Virginia state line to the existing four-lane section of the Charles Town bypass, approximately two miles north of the community of Rippon. The total project length is approximately four miles, affecting approximately four to nine acres of forested habitat.

The concern for the Indiana bat stems from the numerous hibernacula in the eastern limestone region of West Virginia and the occurrence of spring and summer foraging and roosting habitat in the vicinity of the proposed project.

The Service has compared the number of acres of suitable foraging and roosting habitat on the West Virginia landscape available to each Indiana bat, versus the total acreage of forest. On that basis, we have determined that small projects, generally affecting 17 acres or less of suitable foraging and roosting habitat, will have an infinitesimally small chance (at the 98% confidence level) of resulting in direct or indirect take. Therefore, we believe that habitat alterations of not more than 17 acres of forested habitat are discountable and unlikely to adversely affect the endangered Indiana bat at any season of the year. The proposed project will result in the loss of approximately four to nine acres of forested habitat, depending upon which alternative is selected, including the loss of approximately 45 to 101 potential roost trees (PRTs). This loss of PRTs is less than one-tenth of a percent of the estimated available PRTs with the 2-mile radius of the project center line. The total forested area within the analysis area is over 1,900 acres.

Because the project will only affect four to nine acres of forested habitat, you may clear this habitat during any time of year.

Based on the facts that the project will only affect four to nine acres (less than one percent of potential habitat within a 2-mile radius of the project), the Service believes that construction of the project is unlikely to adversely affect the endangered Indiana bat. Therefore, no further Section 7 consultation under the Endangered Species Act is required with the Service on the proposed US 340 improvements in Jefferson County from the West Virginia state line to the existing four-lane section of the Charles Town bypass. Should project plans change, or if additional information on listed and proposed species or species of concern becomes available, this determination may be reconsidered.

If you have any questions regarding these comments please contact William A. Tolin of my staff at 304-636-6586.

Sincerely,

William A. Tolin
for Jeffrey K. Towner
Field Supervisor



WEST VIRGINIA DIVISION OF
CULTURE AND HISTORY

November 9, 2000

Mr. James Sothen
Division of Highways
Building 5, Room 110
Capitol Complex
Charleston, WV 25305

RECEIVED

NOV 14 2000

ENGINEERING DIVISION
WV DOH

RE: US 340
State Project U219-340-0300(02)
FR#: 96-814-JF-13

Dear Mr. Sothen:

We have reviewed the preliminary Criteria of Effect findings for Alternative 8 of the above mentioned project. As required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

Architectural Resources:

Due to adverse effects to several historic properties, the Division of Highways has developed an additional alternative for the US 340 improvement project. This alternative, Alternative 8, is located west of the railroad tracks and avoids any direct physical impacts to resources listed in or eligible for listing in the National Register of Historic Places.

Submitted for our review is a preliminary effects determination report for Alternative 8. DOH's rudimentary effects evaluation for Alternative 8 claims that none of the historic resources will be adversely effected by the new alignment while there will be *No Adverse Effect* to the Kabletown Rural Historic District, Olive Boy Farm, Ripon Lodge, and William Grubb Farm. The undertaking is considered to have *No Effect* on the remaining properties. We accept these findings. However, it should be noted that our judgement is **preliminary** and a more comprehensive Criteria of Effects report for Alternative 8 is necessary. This more detailed report must consider secondary and cumulative impacts associated with the project such as visual effects, auditory increases, and the potential for induced construction due to the road improvement. We look forward to reviewing the Criteria of Effects evaluation once complete.

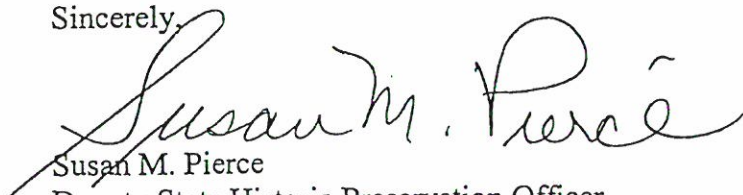
Archaeological Resources:

We look forward to reviewing the results of Phase I archaeological survey, and will provide comment and recommendations upon receipt of a completed report.

Mr. James Sothen
US 340 - Belvedere Farm
November 9, 2000
Page 2

We appreciate the opportunity to be of service. If you have questions regarding our comments or the Section 106 process, please contact Marc Holma, Senior Structural Historian for Review and Compliance, or Joanna Wilson, Senior Archaeologist, at (304) 558-0220.

Sincerely,



Susan M. Pierce
Deputy State Historic Preservation Officer

SMP:mh/jlw



RECEIVED

SEP 06 2001

COMMONWEALTH of VIRGINIA ENGINEERING DIVISION
WV DOH

Department of Historic Resources

2801 Kensington Avenue, Richmond, Virginia 23221

James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

Kathleen S. Kilpatrick
Director

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www.dhr.state.va.us

August 31, 2001

Mr. James Sothen
WV Department of Highways
1900 Kanawha Blvd., East
Building 5
Room 110
Charleston, West Virginia 25305-0430

Re: US Route 340 Improvements
Clarke County, Virginia
DHR File # 2001-1133


Dear Mr. Sothen:

We have received your request for our comments on the referenced project. It is our understanding that the West Virginia Department of Highways is proposing to undertake improvements to a 0.4-mile portion of US Route 340 in Clarke County, Virginia. These improvements involve the widening of the existing two-lane facility in order to accommodate four-lanes for vehicular traffic.

Two known resources listed in the National Register of Historic Places are within the subject project's Area of Potential Effect (APE). These resources are the Long Marsh Run Rural Historic District and Balclutha Farm.

The planned improvements will take place within the existing right-of-way and not require any acquisition of land from either Balclutha Farm or the Long Marsh Run Rural Historic District. Additionally, from an August 31, 2001 telephone conversation with Mr. Michael Wilson, West Virginia Division of Highways, Environmental Section, we understand that the new lanes will not be raised above the current profile. Therefore, we determine that the undertaking will have No Adverse Effect on the historic Balclutha Farm or the Long Marsh Run Rural Historic District.

Sincerely,


Marc Holma, Architectural Historian
Division of Resource Services and Review

cc: Mr. Anthony Opperman
Ms. Kitty Houston

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Tel: (540) 722-3427
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